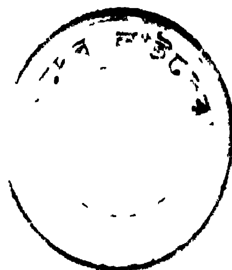
A COLLECTION OF THE ACTS

PASSED BY THE

LIEUT.-GOVERNOR OF BENGAL IN COUNCIL

IN THE YEAR 1888.



Published by authority.

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TITLES OF ACTS

PASSED BY THE

LIEUT.-GOVERNOR OF BENGAL IN COUNCIL

IN THE

YEAR 1888.



1. An Act to amend the Bengal Municipal Act, III of 1884.
2. to consolidate and amend the law relating to the Municipal affairs of the Town and Suburbs of Calcutta.
3. to amend the Howrah Bridge Act, IX of 1871.

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TO THE

ACTS PASSED BY THE LIEUT.-GOVERNOR OF BENGAL IN COUNCIL

IN THE

YEAR 1888.

R D'R. and others—Reg No 12196J—2,000—5 4 89.

ACT No. I OF 1888.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(*Received the assent of the Lieutenant-Governor on the* 16*th May* 1888, *and of the Governor-General on the* 27*th June* 1888.)

An Act to amend the Bengal Municipal Act, III of 1884.

Preamble.

WHEREAS it is expedient to amend Bengal Act III of 1884: It is hereby enacted as follows:—

Construction and commencement of Act.

1. This Act shall be read with, and taken as part of, Bengal Act III of 1884; and it shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

2. To section 9, the following proviso shall be added:—

Exclusion of lands or buildings in occupation of Government for Military or Naval purposes.

"Provided that the Local Government may, at any time by notification in the *Calcutta Gazette*, exclude from the limits of any municipality any lands or buildings in the occupation of Government for Military or Naval purposes."

Price six pies.

THE CALCUTTA MUNICIPAL CONSOLIDATION ACT II OF 1888.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 18th May, 1888, and of the Governor-General on the 12th September, 1888.)

An Act to consolidate and amend the law relating to the Municipal affairs of the Town and Suburbs of Calcutta.

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ACT No. II of 1888.

An Act to consolidate and amend the law relating to the Municipal Affairs of the Town and Suburbs of Calcutta.

Preamble.

WHEREAS it is expedient to extend the municipal limits of Calcutta and to consolidate and amend the law relating to the municipal affairs of the Town and Suburbs of Calcutta: it is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be cited as "The Calcutta Municipal Consolidation Act, 1888."

Commencement.

And it shall come into force on the first day of April 1889.

But any election may be held under the provisions of this Act at any time after it shall have received the assent of the Governor-General, and such election thus held shall take effect from the first day of April 1889.

And section four hundred and sixty-one, and schedule referred to therein, shall come into force from the first day of January 1889.

Enactments repealed

2. The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the third column thereof.

This repeal shall not revive any office, authority, or thing abolished by any such enactment, or affect the validity of anything done or suffered, or any right, title, obligation, or liability which may have accrued before the commencement of this Act.

And all bye-laws or rules prescribed, budgets passed, assessments, valuations, measurements, divisions, and appointments made, powers conferred, salaries fixed, and notifications published under any such enactment, and all other rules (if any) now in force and relating to the matters hereinafter dealt with, shall (so far as they are consistent with this Act) be deemed to have

been respectively prescribed, passed, made, conferred, fixed and published hereunder.

And all references made to any such enactment shall, as far as may be practicable, be deemed to be made to this Act.

And all proceedings now pending, which may have been commenced under any such enactment, shall be deemed to be commenced under this Act.

In respect to all the matters aforesaid, the "Commissioners of Calcutta" under this Act shall be substituted for the "Commissioners of the Town of Calcutta."

Interpretation clause.

3. In this Act, unless there be something repugnant in the subject or context—

"Bazar."

"Bazar" means any place of trade, where there is a collection of shops and warehouses, and any place where a market is held.

"Bustee land, "Hut" and "House."

Whenever a separate procedure is prescribed for dealing with bustee land and the huts standing on it, by the term "Bustee land" is meant land which the owner lets out for the building of huts, in such manner that the tenant of the land is the owner of the hut: And "Hut" includes any structure erected on such land whether roofed with tiles or otherwise, and whether constructed with bricks, earth or other materials. "House" means any structure erected upon land the property of the owner of such structure, or for the use of which land the owner of the house holds a lease for not less than ten years. In the case of lands or buildings to which neither of these descriptions correctly applies, the Commissioners shall determine which of the two procedures can most equitably be applied, and shall classify the land and buildings accordingly.

"House."

When no separate procedure is prescribed, and when the contrary is not indicated by the context, "House" shall include a hut, shed or any other structure.

"Bustee."

A "Bustee" means a plot of bustee land, not less than ten cottahs in area, bearing one number in the assessment book, or a collection of such

plots adjacent to one another exceeding in the aggregate one bigah in area.

"Calcutta" — "Calcuttâ," subject to the inclusion or exclusion of any local area by the Local Government under section four hundred and fifty-eight, includes the area bounded as follows:—

By a line drawn along the southern and western bank of the Circular Canal from the river Hooghly to the south of Balliaghatta, till it meets the Pagladanga Road. Thence along the eastern edge of the Pagladanga Road to a point where it meets the Chingrahatta Road. Thence along the southern edge of the Chingrahatta Road to a point where it meets the south Tangor Road. Thence along the eastern edge of the south Tangor Road to a point where it meets the Topsea Road. Thence along the eastern edge of the Topsea Road to its junction with the Tiljullah Road. Thence westward to the South-Eastern Railway, then southward along the western edge of the line of the Railway, and westward along the south of the New Embankment to the Russapuglah Road, thence along the Eastern Edge of the Russapuglah Road to its junction with the Road leading to the Tollygunge Bridge, thence along the southern edge of this road and its continuations, the Sharpore Road, the Goragachee Road, and the Taratollah Road, to Nimuck Mehal Ghât, where it joins the Hooghly. And thence along the left bank of the Hooghly to its junction with the Circular Canal.

But from this area there shall be excluded—

(1) Fort William.

(2) The Esplanade.

(3) That part of Hastings north of the south edge of Clyde Row, which has hitherto been excluded from the Municipality of the Town of Calcutta.

"Carriage." — "Carriage" means any wheeled vehicle with springs used for the conveyance of human beings and ordinarily drawn by an animal.

"Cart." — "Cart" means any cart, hackery, or wheeled vehicle with or without springs, not included in the definition of "carriage."

"Depôt." "Depôt" means a place where bulky articles are stored, whether for sale or otherwise, in quantities exceeding fifty maunds.

"Drug." "Drug" includes medicine for internal or external use.

"Market." "Market" includes any place where persons periodically assemble for the sale of meat, fish, vegetables or live-stock.

"Offensive matter." "Offensive matter" means dung, dirt, putrid or putrifying substances and filth of any kind not included in the term "sewage."

"Owner." "Owner" includes—

(*a*) the person for the time being entitled to receive, or in receipt of, any of the rent of the house or land in respect of which the word is used;

(*b*) an agent of such person;

(*c*) a trustee for such person.

But no such agent or trustee shall be liable to do anything required by this Act to be done by the owner, nor shall he be subject to any fine for omitting to do such thing, unless he have sufficient funds in his hands as such agent or trustee to do such thing.

"Public Street." "Public Street" means any road, street, square, court, alley, or passage, whether a thoroughfare or not, over which the public have a right of way, and also the roadway over any public bridge or causeway, and also the footway and drains attached to any such street, public bridge (other than the Hooghly bridge), or causeway, within the town.

"Rubbish." "Rubbish" means broken bricks, mortar, broken glass, kitchen or stable refuse, and refuse of any kind not included in the term "offensive matter."

"Sewage." "Sewage" means night-soil and other contents of privies, drains and cess-pools.

"Street."

"Street" means any road, street, square, court, alley, or passage not included in the definition of "public street."

"Railway."

"Railway" includes a tramway.

"Schedule."

"Schedule" means a schedule annexed to this Act.

"Section."

"Section" means a section of this Act.

"Slaughter-house."

"Slaughter-house" means any place used for the slaughter of cattle, sheep, goats, pigs or kids, for the purpose of selling the same as meat.

"The Commissioners."

"The Commissioners" means the Corporation of Calcutta.

"Year"

"Year" means a year beginning on the first day of April.

CHAPTER II.

PART I.—*Of the constitution of the Corporation.*

Constitution of the Corporation.

4. The Commissioners of Calcutta shall consist of a Chairman, Vice-Chairman, and seventy-five members to be appointed or elected as hereinafter provided, and shall by the name of the "Corporation of Calcutta" be a body corporate, and have perpetual succession and a common seal, and by such name shall sue and be sued.

The seventy-five members shall be male persons residing or paying rates in Calcutta, who have attained the age of twenty-one years.

Property to vest in Commissioners for the purposes of this Act.

5. All property, moveable and immoveable, and all interests of whatsoever nature and kind therein now vested in, or held in trust for, the Commissioners of the Town of Calcutta, with all rights of whatsoever description now used, enjoyed, or possessed by the said Commissioners, and all rights and interest in immoveable property situated within the area by this Act added to the town of Calcutta which are now vested in, or held in trust for, the Commissioners of the Suburbs of Calcutta, shall become vested in the Commissioners of Calcutta.

Moveable property vested in the Commissioners of the Suburbs to be equitably divided.

6. All moveable property and all interests of whatsoever kind therein now vested in the Commissioners of Suburbs shall be divided by the Chairman of the Commissioners of Calcutta and the Magistrate of the 24-Pergunnahs between the Commissioners of Calcutta, the Commissioners of the North Suburban Municipality, the Commissioners of the South Suburban Municipality, and the Commissioners of such other municipality as may appear to be entitled, in such proportions as may to the Chairman and Magistrate seem fair and equitable.

Disputes regarding the equitable division of moveable property to be decided by Local Government.

If in making such division the Chairman and Magistrate disagree, or if the Commissioners of any of the Municipalities concerned are dissatisfied in any respect with the division, the point or points in issue shall be referred to the Local Government, whose decision shall be final and binding.

Number of Commissioners to be appointed by Local Government.

7. Of the said seventy-five members, fifteen shall be appointed by the Local Government as soon as may be after the declaration of the result of the elections hereinafter provided shall have been published, and such appointment shall take effect from the date from which such election takes effect.

Number of Commissioners and by whom to be elected.

8. Of the remaining members, fifty shall be elected as hereinafter provided by male persons residing or paying rates in Calcutta, who have attained the age of twenty-one years, and shall be qualified to elect in one of the following ways:—

(*a*) Being the owner and occupier of any land or house in Calcutta separately numbered and valued for assessment purposes at not less than Rs. 150 per annum.

(*b*) Being the owner of any land or house in Calcutta separately numbered and valued for assessment purposes at not less than Rs. 300 per annum.

(*c*) Being the occupier of any house in Calcutta separately numbered and valued for assessment purposes at not less than Rs 300 per annum.

(*d*) Having taken out a license for the year in which the election is held under Class I, II, III or IV of the Second Schedule.

(*e*) Having paid on his sole account and in his own name not less than Rs. 24 either in respect of rates levied under Chapter IV or in respect of taxes under Part I and Part II of Chapter III, or in respect of both such rates and taxes for the year preceding that in which the election is held.

And ten shall be elected in accordance with rules to be made from time to time by the Local Government for the purpose of regulating the election as follows:—

four by the Bengal Chamber of Commerce, four by the Calcutta Trades' Association, and two by the Commissioners for making Improvements in the Port of Calcutta.

Ward in which votes to be given.

9. A person qualified to vote under clauses (*a*) or (*e*) of section eight shall vote in the ward in which he resides or pays rates.

A person qualified under clause (*b*) of section eight shall vote in the ward in which the property is situated.

A person qualified under clause (*c*) of section eight shall vote in the ward in which he is an occupier.

A person qualified under clause (*d*) of section eight shall, if he pays rates direct to the Commissioners for his place of business, vote in the ward in which his place of business is situated; if he does not pay rates for any place of business direct to the Commissioners, he shall vote in the ward in which he resides.

A person claiming to vote under clauses (*a*) or (*e*) of section eight shall not be entitled to vote under any other clause, and may give two votes only in the ward in which he is entitled to vote under the last preceding section, or one vote only if only one Commissioner is to be elected.

Voting under section eight, clause (*b*).

10. A person qualified to vote under clause (*b*) of section eight may give two votes in each ward in which he is entitled to vote, or one vote if

only one Commissioner is to be elected for that ward; as well as additional votes according to the following scale:—

If the aggregate annual value of all the premises owned by him in the ward is not less than—

Rs.				
600	...	1	additional	vote.
1,000	...	2	„	vote
1,500	...	3	„	„
2,000	...	4	„	„
2,500	...	5	„	„
3,000	...	6	„	„
3,500	...	7	„	„
4,000	...	8	„	„
4,500	...	9	„	„
5,000	...	10	„	„

Voting under section eight, clause (*c*).

11. A person qualified to vote under clause (*c*) of section eight may give two votes in each ward in which he is entitled to vote, or one vote if only one Commissioner is to be elected for that ward; as well as additional votes according to the following scale:—

If the aggregate annual value of all the houses occupied by him in the ward is not less than—

Rs.				
600	...	1	additional	vote.
1,000	...	2	„	votes.
1,500	...	3	„	„
2,000	...	4	„	„
2,500	...	5	„	„
3,000	...	6	„	„
3,500	...	7	„	„
4,000	...	8	„	„
4,500	...	9	„	„
5,000	...	10	„	„

A person living in his own house is entitled to the votes assigned to him as owner as well as to those assigned to him as occupier.

12. A person qualified to vote under clause (*d*) of section eight may, if he holds a license under Class IV of the Second Schedule, give two votes for the ward in which he may be entitled to vote under this qualification; or one vote if only one Commissioner is to be elected; if he holds a license under Class III, one additional vote; if under Class II, two additional votes; if under Class I, three additional votes.

Voting under section eight, clause (*d*).

A person may give as many votes as he is entitled to under clauses (*b*), (*c*), and (*d*) of section eight combined, up to a maximum of ten additional votes in any one ward, but under no circumstances shall any person give more than twelve votes in any one ward, or eleven votes when there is only one Commissioner to be elected.

13. In sections nine, ten, eleven and twelve the word "person" includes a Hindu joint-family, a company, firm, or other association of persons who may be registered as the owners of any house or land, or as the occupiers of any house under clauses (*b*) and (*c*) of section eight or may be stated in any license to be the holders thereof. Votes under clauses (*a*) and (*e*) of section eight can only be claimed by a single individual paying the rates or taxes in his own name.

Meaning of "person" in sections nine, ten, eleven and twelve.

14. Any person qualified to vote under any of the preceding sections shall, subject to the provisions of section thirty-two, be qualified to be elected a Commissioner for any ward in Calcutta:

Qualification of Commissioners.

Provided that his candidature is duly announced, and his name duly proposed, seconded and approved in the manner hereinafter provided:

Provided also that no officer of the Corporation while in office shall be eligible for election.

15. For the purpose of the election of Commissioners, the town shall be divided into twenty-five wards, the boundaries of which are defined in the Third Schedule. The electors of each of the twenty-five wards may elect two Commissioners.

For the purpose of election, the town to be divided into wards.

Every person qualified to vote may give all the votes to which he is entitled in any ward to any candidate in such ward, or may distribute them amongst the candidates in such manner as he thinks fit.

The Local Government may, at any time, on the recommendation of the Commissioners in meeting, by a notification to be published in the *Calcutta Gazette*, alter the boundaries of any ward as defined in the said schedule.

If any ward fails to elect, Local Government may appoint.

16. If the electors of any ward shall elect but one Commissioner, or shall not elect any Commissioner, the Local Government shall appoint, in the former case, one Commissioner, and in the latter case, two Commissioners.

Procedure if a person is elected a Commissioner in more than one ward.

17. If any person is elected a Commissioner for more than one ward, he shall, within five days from the date of the election, declare for which ward he will serve; and if he fails to make such declaration, the Chairman shall forthwith declare the ward for which such person shall serve; and in either case such person shall be held to be elected in the ward in respect of which either of such declarations has been made; and thereupon the electors of the other ward or wards in which such person has been elected shall proceed to elect a Commissioner in the manner hereinafter provided.

Procedure in case of candidates receiving an equal number of votes.

18. Whenever an equal number of votes is given to two or more candidates at any election under this Act, the candidate for whom the greatest number of rate-payers have voted shall be held to be elected; and in case of an equality of votes in this respect, the Chairman shall give a casting vote, and the candidate to whom such vote is given shall be held to be elected.

Time and mode of election.

19. The first election under this Act shall take place at the end of the year 1888-89, so that the result of the election may be declared on or before the 31st day of March, and the election shall take effect from the 1st day of April 1889.

All subsequent general elections shall be held at intervals of three years, and shall take effect from the 1st day of April in the calendar year in which they are so held.

The votes at all elections shall be given personally at the polling stations.

Local Government to make rules for regulating matters connected with elections.

The Local Government may, from time to time, make rules not being inconsistent with this Act for the purpose of regulating all matters connected with elections, and may direct that voting at elections shall be by ballot, and may from time to time cancel or modify any rules so made.

The Local Government may declare the penalties which shall be incurred by the breach of any such rules :

Provided that no higher penalty than a fine of Rs. 200 shall be incurred by the breach of any such rules.

The expenses incurred in respect of all elections under this Act shall be paid out of the funds of the Corporation, and the result of all such elections shall be published in the *Calcutta Gazette*.

Preparation of list of voters.

20. The Chairman shall cause to be prepared from the registers in his office a list of all the persons qualified to vote under clauses (*b*), (*c*), and (*d*) of section eight, and of the number of votes to which they are respectively entitled, and shall publish such list at the Municipal office and at such other places as he may think fit, or as the Commissioners in meeting may direct, not less than sixty days before the date fixed for each general election, and such list shall be obtainable on payment of a fee not exceeding eight annas.

Application for correction of list of voters.

21. Any person qualified under clauses (*a*) or (*e*) of section eight may, within fifteen days after the publication of the list of voters, apply to the Chairman to have his name added thereto.

Any person whose name does not appear in the list, and who claims the right of voting under clauses (*b*), (*c*) or (*d*) of section eight may, within fifteen days of the publication thereof, apply to the Chairman to have his name added to the list or substituted for any name on the list.

Any person claiming more votes than are allotted to him in the list may, within fifteen days after the publication thereof, apply to have more votes allotted to him, or to have votes allotted to any other person transferred to him :

Provided that no claim to vote as an owner under clause (*b*) of section eight shall be entertained unless the name of the claimant is registered as such under section one hundred and twenty-eight, and no claim to vote as an occupier under clause (*c*) of section eight shall be entertained unless the name of the claimant is registered as such under section one hundred and twenty-eight, or unless he can satisfy the Chairman that he has paid the rates as occupier for the quarter immediately preceding the quarter in which the claim is preferred.

No claim to vote under clause (*d*) of section eight shall be entertained unless the license is taken out in the name of the claimant.

Any person who considers that any name in the list of voters prepared under section twenty ought to be omitted, or that the votes allotted to any person ought to be reduced, may, within fifteen days after the publication of the list, apply to have such name omitted or the number of votes reduced as the case may be.

Correction of list of voters by the Chairman.

22. All applications for the revision of the list under the last preceding section shall be considered and decided by the Chairman with all reasonable despatch, and not less than fifteen days before the date of the election, the Chairman shall publish a revised list in the same manner as the original list containing all the alterations or amendments made by his order or by order of the Magistrate under the next succeeding section in such original list.

Appeal from the decision of the Chairman.

23. Any person whose application under section twenty-one has been refused may, within eight days after such refusal, apply to a Presidency Magistrate for an order to have his name inserted in, or a name omitted from, or the number of votes allotted to any person altered in, the list of voters, and such Magistrate shall, after enquiry, make such order as to the insertion or omission of the name or as to the alteration of the number of votes allotted to

any person as appears to him to be just; and the Chairman shall, upon receipt of a copy of such order, give effect to the same, and such order shall be final and binding.

The list thus prepared and amended shall remain valid for all bye-elections under section thirty-three during the interval of three years, and such list shall be obtainable on payment of a fee not exceeding eight annas:

Provided that at any time any person whose name is not in the list may apply to the Chairman to enter his name therein, and sections twenty-two and twenty-three shall be held applicable to such claim.

And if such application is made not less than fifteen days before an election under section thirty-three, it shall be decided in time for such election, but not otherwise.

Persons voting on behalf of Hindu joint-families, companies, firms, or other associations of persons to be entered on the list.

24. The Chairman shall, not less than thirty days before the date of election, send a letter to every Hindu joint-family, company, firm and other association of persons entitled to votes, requesting them to fill in a form, which shall accompany such letter, with the name of the person authorized to vote on behalf of such Hindu joint-family, company, firm or other association of persons, and to return the same within seven days. Upon receipt of the form, the Chairman shall cause the name stated therein to be entered in the revised list published under section twenty-two, and the person whose name is thus entered in the revised list shall be deemed to be duly authorized to vote on behalf of the Hindu joint-family, company, firm or other association of persons which caused his name to be entered in the form until the contrary is proved.

In case of dispute, Chairman to decide who is to vote for a Hindu joint-family, company, firm or other association of persons.

25. If the members of any Hindu joint-family, company, firm or other association of persons cannot agree amongst themselves as to who shall give the votes to which they are entitled, they may at any time, not less than five days before the date fixed for the publication of the revised list, apply to the Chairman to decide, and his decision shall be final

and binding so far as regards the right of voting at the forthcoming election, but shall have no other effect as regards the respective rights of the members of such Hindu joint-family, company, firm or other association of persons.

Government not to vote.

26. No vote shall be given by the Secretary of State for India in Council, the Government of India or the Local Government as owner or occupier of any house or land.

Chairman may delegate another to act under sections twenty-one and twenty-five.

27. The Chairman may, with the sanction of the Commissioners in meeting, delegate to the Vice-Chairman or any officer of the Corporation appointed under section forty-one the duty of receiving and disposing of applications under section twenty-one or twenty-five, and the decisions of such officer in all cases made over to him by the Chairman shall have the same effect as if given by the Chairman.

Commissioners in meeting may appoint a person to act for the Chairman under sections twenty-one and twenty-five.

28. The Commissioners in meeting may appoint a suitable person to perform all or any of the duties assigned to the Chairman under sections twenty-one and twenty-five, or may appoint such person to assist the Chairman in carrying out all or any of those duties, and the decision of such person shall have the same effect as if given by the Chairman. The Commissioners in meeting may assign to such person such remuneration as may seem to them reasonable.

All resolutions passed by the Commissioners in meeting under this section shall be subject to the confirmation of the Local Government.

Improper omission or insertion of names in the list not to affect an election.

29. No election shall be deemed to be invalid or shall be in any way affected by reason of the name of any person qualified to vote being omitted from the list of voters, or by reason of the name of any person not qualified to vote being inserted therein, and no election shall be deemed to be invalid by reason of any failure to observe the dates hereinbefore prescribed or to comply with any rule made by the Local Government under section nineteen.

Commissioners to be appointed or elected for three years.

30. The Commissioners shall be appointed or elected, as the case may be, for a term of three years; at the expiration of that time, they shall cease to be Commissioners, but may be re-appointed or re-elected.

Preparation of list of candidates.

31. The general elections shall be held on some convenient day to be fixed by the Local Government not earlier than the first, nor later than the fifteenth day of March, unless the Local Government shall, for some especial reason, on the recommendation of the Commissioners in meeting, fix some other day.

Every person who is a candidate for election shall send in his name to the Chairman in writing not less than seven days before the day fixed for the election, together with the names of two electors in each ward in which he proposes to stand who propose and second his candidature, and eight electors in each such ward who approve his nomination, and shall state the ward or wards for which he proposes to stand. The Chairman shall publish a list of all candidates at the Municipal Office not less than three days before the day fixed for election. In the event of there being not more than two candidates for election in any ward, such candidate or candidates shall be deemed to be elected. In the event of there being more than two candidates, a poll shall take place in accordance with the rules made by the Local Government under section nineteen.

Disqualification of Commissioners.

32. No person shall be qualified for election or shall continue to be a Commissioner who

(*a*) is an uncertificated bankrupt or an undischarged insolvent: or

(*b*) has been sentenced to rigorous imprisonment, or to simple imprisonment for six months or upwards, such sentence not having been set aside on appeal: or

(*c*) is directly or indirectly interested in any contract made with the Commissioners in accordance with the second clause of section sixty-two:

Provided that no candidate or Commissioner shall be disqualified by reason only of his having a share or interest in—

(a) a contract entered into between the Commissioners and any incorporated or registered company of which such candidate or Commissioner is a member or shareholder;

(b) any lease, sale or purchase of land or any agreement for the same;

(c) any agreement for the loan of money or any security for the payment of money; or

(d) any newspaper in which any advertisement relating to the affairs of the Corporation is inserted.

But no Commissioner shall vote or take any part in any proceedings relating to any matter in which he is interested.

No Commissioner, who shall be absent from Calcutta for six consecutive months, shall continue in office as a Commissioner.

Bye-elections.

33. In case of the death, resignation or disqualification of any Commissioner, a person shall forthwith be appointed or elected in his stead in the manner hereinbefore provided, and such person shall remain a Commissioner for the residue only of the term for which the Commissioner in whose stead he was appointed or elected was originally appointed or elected:

Provided that no act of the Commissioners, their officers, or of the Commissioners in meeting, shall be deemed to be invalid by reason only of the fact that the number of the Commissioners at the time did not amount to seventy-five;

or that a disqualified person has continued to act as a Commissioner;

or that any Commissioner has taken part in any proceedings in contravention of the provisions of section thirty-two.

Penalty for taking a bribe.

34. Whoever, being qualified to vote or claiming to be qualified to vote at any election under this Act, accepts or obtains, or agrees to accept, or attempts to obtain for himself or for any

other person, any gratification whatever as a motive or reward for giving or forbearing to give his vote in any such election, shall be liable to a fine not exceeding Rs. 100 for every such offence, and shall for seven years from the date of his conviction of such offence be disqualified from voting at any such election, and from being elected a Commissioner.

Penalty for giving a bribe.

And whoever by any gift or reward, or by any promise or agreement or security for any gift or reward corrupts or procures, or offers to corrupt or procure, any person to give or forbear to give his vote in any such election, shall be liable to a fine not exceeding Rs. 500 for every such offence, and shall for seven years be disqualified from voting at any such election, and from being elected a Commissioner.

Application of municipal property and funds.

35. All property vested in the Commissioners and all funds received or raised by the Commisioners in accordance with the provisions of this Act shall be applicable to the purposes expressly authorized by this Act.

Objects to which municipal property and funds are applicable.

36. The purposes expressly authorized by this Act shall be held to include the objects connected with the public safety, health, instruction and convenience hereinafter specified, that is to say:—

(1) Payment of the whole or any portion of the cost of the Fire-brigade for the extinction of fires in Calcutta.

(2) Provision for lighting the public streets, places, and buildings, and for the securing or removal of dangerous places, buildings, and trades.

(3) Defraying the cost of the construction and maintenance of hospitals and of charges of vaccination, registration of births, deaths and marriages, and taking a census.

(4) Construction and maintenance of public markets, slaughter-houses and places specified in section three hundred and forty-five, latrines, privies, buildings for

the deposit or discharge of night-soil, urinals, drains, sewers, drainage works, water-works, wash-houses, public bathing places, drinking fountains, tanks, wells, squares and gardens, reclamation of unhealthy localities, and the like.

(5) Watering the streets and cleansing the streets and sewers, scavenging, removal and disposal of offensive matter and noxious vegetation, and generally the abatement of all nuisances.

(6) Regulation of offensive trades, of burial and burning grounds, and the removal of, and providing sites for, the same.

(7) Construction, adornment, maintenance and alteration of streets, bridges, causeways, culverts and the like; regulation of buildings, naming streets and numbering houses, planting trees and removal of obstructions and projections.

(8) Construction, adornment and maintenance of public halls, offices and other buildings under the control of the Commissioners or required for municipal purposes.

(9) Maintenance of establishments and cost of printing and stationery.

(10) Survey of houses and land and preparation of plans.

(11) Contribution to the cost incurred on the occasion of any public ceremony or entertainment in Calcutta.

(12) Promotion of primary and technical education.

(13) Contribution to any neighbouring municipality for sanitary purposes.

(14) Provision of free libraries:

Provided that no expense shall be incurred under clause (11) without the previous sanction of the Local Government.

And generally all objects connected with the public safety health, and convenience.

PART II.—*Of the duties of the Corporation.*

37. It shall be the duty of the Commissioners and they are hereby required to—

Duties of Commissioners.

(1) provide for the payment of the interest on the municipal debt in the manner prescribed by sections four hundred and seven and four hundred and eight;

(2) provide for the establishment of a reserve fund in the manner prescribed by the said sections, or for the annual repayment required by section four hundred and eleven;

(3) complete and extend throughout Calcutta drainage works and open out and improve bustees, and for these purposes to expend annually a sum being not less than two lakhs of rupees, or with the sanction of the Local Government, any sum less than the above amount to be raised as provided by section four hundred and four;

(4) maintain a water-supply in the manner and to the extent mentioned in Chapter VII;

(5) make adequate and suitable provision for each of the following matters:—

(*a*) the cleaning and the conservancy of Calcutta;

(*b*) the maintenance and cleaning of drains and drainage works;

(*c*) the construction and maintenance of public latrines, urinals, and similar conveniences;

(*d*) the regulation of slaughter-houses and of offensive and dangerous trades;

(*e*) the regulation of markets;

(*f*) the lighting, watering and maintenance of the public streets;

(*g*) the registration of births and deaths;

(*h*) the preventing or checking the spread of dangerous

(i) the naming of streets and the numbering of premises;

(j) the regulation of new streets and buildings;

(k) the abatement of nuisances in the manner provided by Chapter XII;

(6) exercise the control over tramways with which they are vested by Bengal Act I of 1880;

(7) devote to the improvement of the area newly added to Calcutta by this Act not less than three lakhs of rupees annually from the receipts of the revenue funds described in sections one hundred and two, one hundred and three and one hundred and five:

Provided that the instalments of interest and reserve fund payable on any capital sum expended under clauses (3), (4) and (5) of this section for the improvement of that area shall be taken as part of the three lakhs of rupees.

Powers of the Local Government if the Commissioners fail in their duty.

38. Upon complaint made to the Local Government that the Commissioners have made general default in the performance of any of the duties referred to in the last preceding section, the Local Government, if satisfied, after due enquiry, that general default has been made, and that it is of a serious character, may make an order intimating a time not less than thirty days from the date of the order for the performance of such duty by the Commissioners; and if such duty is not performed within the time limited in the order, the Local Government may appoint some person to perform the same, and may direct that a reasonable remuneration to the person so appointed, the amount whereof is to be specified, and also the expenses of performing such duty, shall be paid by the Commissioners out of the moneys levied by them under this Act. Any person appointed under this section to perform any duty of the Commissioners shall, in the performance and for the purposes of such duty, be invested with all the powers of the Commissioners:

Provided that the Commissioners in meeting may, within thirty days from the receipt of any order made under this sec-

tion by the Local Government, transmit through the Local Government a petition of appeal to the Governor-General in Council praying that such order may be set aside, and upon the receipt of such petition of appeal by the Local Government no further action shall be taken by the Local Government without the orders of the Governor-General in Council.

PART III.—*Of the Officers of the Corporation.*

Appointment and removal of Chairman of the Commissioners.

39. The Local Government shall from time to time appoint a proper person to be Chairman of the Commissioners, who shall reside within the limits of Calcutta.

Such Chairman may be removed from office by the Local Government at its discretion, and shall be so removed if his removal be recommended by a resolution in favour of which not less than two-thirds of the Commissioners voting at a special meeting shall have voted, but not otherwise.

Appointment of Vice-Chairman.

40. The Commissioners, at a special meeting to be held for that purpose, may from time to time appoint, for such period as they may think fit, a proper person to be Vice-Chairman of the Commissioners.

Such appointment shall be subject to the approval of the Local Government.

Appointment of Secretary, Engineer, Surveyor, Health Officer, Collector and Assessor.

41. The Commissioners may, at a special meeting from time to time, appoint proper persons for such period as they may think fit, to the several offices of Secretary, of Engineer, of Surveyor, of Health Officer, of Collector and of Assessor for the municipality, or may appoint a proper person to two or more of such appointments, or to one.

Every person so appointed, and also the Vice-Chairman, shall reside within the limits of Calcutta, and shall be under the orders of the Chairman, and shall perform such duties as shall be assigned by him, and may be removed by the Commissioners by a resolution in favour of which not less than two-thirds of the Commissioners voting at a special meeting shall have voted, and another person may be appointed in his place.

This section shall, except as regards residence, apply to any other officer, the initial salary of whose appointment shall be fixed at five hundred rupees or upwards.

All appointments and resolutions under this section shall be subject to the approval of the Local Government.

Chairman and Vice-Chairman not to engage in any profession or trade.

42. The Chairman and Vice-Chairman shall devote their whole time to the duties of their respective offices; and no Chairman or Vice-Chairman shall have, or engage in, any other profession, trade, or business whatsoever:

Provided that—

(a) Any Civil or Military Officer in the service of the Government may hold the office of Chairman or Vice-Chairman, so long as such officer shall fill no other appointment than one of those specified in this section.

(b) The Chairman and Vice-Chairman respectively may hold the office of Commissioner as interpreted in section one of Bengal Act No V of 1870 (*to appoint Commissioners for making Improvements in the Port of Calcutta*).

(c) The Chairman and Vice-Chairman respectively may also be members of the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations.

(d) The Vice-Chairman may, with the sanction of the Local Government, be appointed to, and may hold any other office in the employ of the Commissioners to which he may be appointed at a special meeting.

Allowances of Chairman and Vice-Chairman.

43. The Chairman and the Vice-Chairman respectively may receive such allowances as shall be from time to time fixed by the Commissioners at a special meeting.

Such allowance shall be—

(a) for the Chairman not more than three thousand or less than two thousand five hundred rupees a month

(exclusive of house-rent, which may or may not, in the discretion of the Commissioners, be allowed):

(b) for the Vice-Chairman not more than fifteen hundred rupees a month.

All resolutions passed by the Commissioners under this section shall be subject to the approval of the Local Government.

Salaries of Officers.

44. Every officer* appointed under section forty-one may receive such allowance as shall be from time to time fixed by the Commissioners at a special meeting.

All resolutions passed by the Commissioners under this section shall be subject to the approval of the Local Government.

Appointment and remuneration of Subordinate Officers and servants.

45. The Chairman may, from time to time, appoint all such Subordinate Officers and servants, other than those referred to in section forty-one, as he shall think necessary and proper, to assist in carrying out this Act, and may, from time to time, remove any of such persons and appoint another in his place;

and may pay such allowances to such persons respectively, or in case of absence on leave, such portion thereof as he shall think reasonable:

Provided that the allowances in respect of the offices filled by such persons shall have been included in the budget as passed by the Commissioners in meeting, under section seventy-one, or shall have been subsequently sanctioned by them, and that the total amount paid to an absentee and the person appointed to act for him shall not exceed the allowance sanctioned by the Commissioners in meeting except upon a resolution passed by the Commissioners in meeting.

But no person shall be appointed to, or removed from, any office, the monthly salary of which exceeds Rs. 200, without the sanction of the Commissioners in meeting. And the Commissioners in meeting may authorize the Chairman to nominate not more than three of the candidates for any such appointment as is referred to in this clause, and the Commissioners in meeting shall, upon such nomination being made, appoint one of the persons so nominated and no other.

Power to suspend or fine officers appointed under section forty-one or the last preceding section.

46. Any person appointed to any office under section forty-one or the last preceding section may be suspended or fined by the authority by which he may be removed subject to approval or sanction of the authority (if any) empowered by this Act to approve or sanction such removal.

Commissioners in meeting to grant leave of absence, with sanction of Local Government.

47. The Commissioners in meeting may, with the sanction of the Local Government, grant such leave of absence to the Chairman or any officer appointed under sections forty and forty-one, and may, if such officer be other than the Chairman, make such arrangements for carrying on the duties of his office during his absence on leave as shall to them seem proper.

In any case in which leave of absence shall be granted to the Chairman, the Local Government shall appoint one of the Commissioners to act as Chairman in his place, or shall make such other arrangements for carrying on the duties of the office as to it shall seem proper.

Any person appointed under this section to act for the Chairman or any other officer shall, while so acting, have all the powers and be liable to all the restrictions, limitations, and provisions, which the Chairman or other officer for whom he may be appointed to act would, under this Act, have or be liable to.

Allowances during absence on leave.

48. In any case in which leave of absence shall be granted under the last preceding section, such allowance shall be paid to the absentee, and such deputation allowance to the officer appointed to act for him as may be prescribed by rules passed by the Commissioners in meeting under the next succeeding section. In special cases in which a departure from the rules seems requisite, the allowances must be sanctioned by a resolution of the Commissioners in favour of which not less than two-thirds of the Commissioners voting at the meeting shall have voted.

Commissioners in meeting may make rules for allowances, pensions and gratuities to their officers and servants.

49. The Commissioners in meeting may, by a resolution in favour of which not less than two-thirds of the Commissioners voting at such meeting shall have voted from time to time, make rules for absentee and deputation allow-

ances, for granting pensions and gratuities to their officers and servants, and for establishing and maintaining a Provident or Annuity Fund, and for compelling all or any of the servants of the Corporation to contribute thereto, and may repeal, alter or add to such rules. No rule, and no repeal, or alteration of, or addition to, any rule, shall have effect until the same has been confirmed by the Local Government and published in the *Calcutta Gazette.*

The Commissioners in meeting may, from time to time, in accordance with such rules for the time being in force, grant such pensions or gratuities to any of their officers or servants as to the Commissioners may seem fit.

Officers not to be interested in contracts made with the Commissioners.

50. No Chairman or Vice-Chairman, or other Officer or servant of the Commissioners, shall be interested, directly or indirectly, in any contract made with the Commissioners, and if any such person be so interested, he shall become incapable of continuing in office or in employment as such Chairman, Vice-Chairman, or other officer or servant, and shall forfeit and pay the sum of Rs. 500, which may be recovered by suit brought by or on behalf of the Commissioners:

Provided that no such officer or servant shall, by reason of being a shareholder in, or a member of, any incorporated or registered company, be deemed interested in any contract entered into between such company and the Commissioners, or shall be precluded from tendering for any municipal loan or from holding municipal debentures.

Commissioners, officers, servants, contractors and agents to be deemed to be public servants.

51. Every Commissioner and every municipal officer and servant appointed under this Act, and every contractor or agent for the collection of any municipal tax, and every servant or other person employed by any such contractor or agent shall be deemed to be a public servant within the meaning of section twenty-one of the Indian Penal Code.

PART IV.—*Of the mode of transacting Business and entering into Contracts.*

Ordinary and Special meetings.

52. The Commissioners shall meet ordinarily not less than once a month for the transaction of business, and the Chairman or, in his absence,

the Vice-Chairman, may, whenever he thinks fit, and shall, upon a requisition made in writing by any ten Commissioners, call a special meeting of the Commissioners.

What business to be transacted at meetings.

53. Four days' notice shall be given by advertisement in at least two of the daily newspapers published in Calcutta of the date fixed for every ordinary or special meeting and of the business to be transacted at such meeting, and a list of the business to be transacted at any meeting shall be sent to the address of every Commissioner resident in Calcutta, so that it may be in his hands forty-eight hours before the time fixed for such meeting; and no business shall be brought before, or transacted at, any meeting other than the business of which notice has been given:

Provided that any Commissioner may submit to a meeting any resolution beyond the matters mentioned in the notice given of such meeting, if he shall have given not less than forty-eight hours' previous notice of his intention so to do, by leaving a copy of the resolution at the office of the Commissioners.

All questions to be decided at meetings by majority of vote.

54. All acts authorized or required to be done by the Commissioners, and all questions which may come before them for decision, shall, save as is herein otherwise provided, be done, and decided by, a majority of the Commissioners voting at the meeting before which the matter may be brought.

Who to preside at meetings.

55. The Chairman and Vice-Chairman shall attend all meetings of the Commissioners held under this Act, unless prevented by sickness or other reasonable cause; and the Chairman or, in his absence, the Vice-Chairman, shall preside at every such meeting, and shall have a second or casting vote in all cases of equality of votes.

In the absence of both the Chairman and Vice-Chairman, the Commissioners present at any meeting shall choose some one of their number to preside, who shall, in case of equality of votes, have a second or casting vote.

The President of any meeting at which a quorum of the Commissioners shall be present may, with the consent of the meeting, adjourn the meeting from time to time, and from place to place.

56. No business shall be transacted at any meeting unless a quorum of eighteen Commissioners be present at such meeting:

What shall constitute a quorum.

Provided that, if at any meeting there shall not be a sufficient number of Commissioners present to form a quorum as above mentioned, the President (whether he be the Chairman or not) shall adjourn the meeting to such convenient time and place as he shall think fit; and the business which should have been brought before the original meeting, had there been a quorum present, shall be brought before and disposed of by the adjourned meeting in the usual manner, at which a quorum of ten Commissioners shall suffice.

57. Minutes of the proceedings of all meetings shall be drawn up and fairly entered in a book to be kept for that purpose, and shall be signed by the President after each meeting; and the said minutes shall, at all reasonable times, be open at the office of the Commissioners to the inspection of any Commissioner without charge, and of any other person on payment of a fee of eight annas.

Minutes of proceedings of meetings to be kept, and to be open for inspection.

All meetings, the minutes of the proceedings of which have been duly signed by the President, shall be taken to have been duly convened and to be free from all defect and irregularity.

58. At any meeting, unless a poll be demanded by at least five Commissioners, a declaration by the President that a resolution has been carried and an entry to that effect in the book of proceedings of the Commissioners shall, for the purposes of this Act, be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against such resolution.

Declaration by President that a resolution has been carried.

59. If a poll be demanded as in the last preceding section mentioned, the votes of all the Commissioners present who desire to vote shall be taken under the direction of the President, and the result of such poll shall be deemed to be the resolution of the Commissioners at such meeting:

Poll how to be taken.

Provided that the Commissioners in meeting may, subject to such rules as may be framed by them under section sixty-eight, resolve that any question or class of questions shall be decided by ballot.

Chairman or Vice-Chairman to attend daily for the transaction of business.

60. The Chairman or Vice-Chairman shall, except upon such holidays as shall be allowed by the Government and unless prevented by sickness or other reasonable cause, attend daily at the office of the Commissioners for the transaction of business connected with, or arising under, this Act.

Powers of the Chairman.

61. The Chairman may exercise all the powers vested by this Act in the Commissioners:

Provided that he shall not exercise any power which by this Act is directed to be exercised only by the Commissioners in meeting. Nor shall he act in opposition to, or in contravention of, any orders passed by the Commissioners at a meeting; and if any order passed by him under the authority vested in the Commissioners is brought before a meeting of the Commissioners and modified or disapproved of by them, the Chairman shall, as far as possible, modify or cancel such order so as to bring it into conformity with the order of the Commissioners in meeting.

Powers of the Vice-Chairman.

The Vice-Chairman may exercise the same authority as the Chairman on behalf of the Commissioners, subject to his general direction and control.

All powers which may lawfully be exercised by the Chairman shall be deemed to have been exercised by him if exercised by any subordinate officer acting in the execution of the duties assigned to him by the Chairman.

Mode of contracting by, and on behalf of, the Commissioners.

62. The Commissioners may enter into and perform all such contracts as may be necessary for carrying this Act into effect.

Every contract made by the Chairman or Vice-Chairman on behalf of the Commissioners, the subject-matter of which exceeds Rs. 1,000 in value, shall be in writing, and signed by the Chairman or Vice-Chairman and two other Commissioners, and shall be sealed with the seal of the Commissioners, and no such

contract, unless made in accordance with a vote of the Commissioners in meeting, shall be concluded without inviting tenders thereon and without the approval of a Committee of the Commissioners.

Unless so executed, it shall not be binding on the Commissioners.

The Commissioners in meeting, or any Committee of the Commissioners, may compound with any contractor or other person in respect of any penalty or damages incurred by reason of the non-performance of any contract entered into as aforesaid whether such penalty be mentioned in any such contract or otherwise, for such sums of money or other recompense as to the Commissioners may seem proper.

Every contract involving an expenditure exceeding Rs. 1,00,000 shall require the sanction of the Local Government.

Election and appointment of General Committee.

63. As soon as may be, and not later than the first day of June in each year, the Commissioners in meeting shall proceed to appoint a general Committee for the year, the members of which shall, provided that they are Commissioners, hold office till the election and appointment of their successors.

The General Committee shall consist of eighteen Commissioners, of whom twelve shall be elected, in such manner as the Commissioners in meeting may direct, by the Commissioners elected under the first clause of section eight.

And six shall be elected in accordance with such rules as the Local Government may prescribe, by the Commissioners nominated under section seven, and elected under the last clause of section eight.

Duties of the General Committee.

64. The General Committee shall ordinarily meet once a week for the transaction of business. It shall be the Budget and Finance Committee of the Corporation, and shall also transact such other business as may be expressly referred to it by the Corporation, or as may not be referred to any other standing or Special Committee.

The proceedings of the General Committee shall be submitted to the Commissioners in meeting, and the General Committee shall be bound by any resolution passed by the Commissioners in meeting:

Provided that when the Chairman and the majority of the General Committee are in accord, and inconvenience is likely to result from delay, it shall not be necessary before action is taken to wait for the confirmation of the Commissioners in meeting, but if the Commissioners in meeting do not confirm the action of the General Committee, such steps shall be taken to carry out the orders of the Commissioners as may still be practicable.

The Chairman and Vice-Chairman shall be *ex-officio* members of the General Committee, and the Chairman, or, in his absence, the Vice-Chairman, shall preside at its meetings.

In the absence of the Chairman and Vice-Chairman the members present shall choose one of their number to preside.

Appointment of standing and Special Committees.

65. The Commissioners in meeting may, from time to time, appoint from among the Commissioners such other Committees, either standing or special, and consisting of so many members as they may think fit, for the purpose of enquiring into and reporting upon any matter connected with the conservancy or improvement of Calcutta not assigned by this Act, or by the vote of the Commissioners in meeting to the General Committee, or for the purpose of advising or aiding the Chairman or Vice-Chairman in the discharge of any portion of the duties exerciseable by them under section sixty-one which, in the discretion of the Commissioners, would be better regulated or managed with the aid of such Committee:

Provided that the Chairman or Vice-Chairman shall be a member of every standing Committee.

Duties of Committees.

66. The proceedings of every Committee, other than the General Committee, shall be submitted to the Commissioners in meeting, and the Committee shall be bound by any resolution passed by the Commissioners in meeting:

Provided that when the Chairman and the majority of the Committee are in accord, and inconvenience is likely to result from delay, it shall not be necessary before action is taken to wait for the confirmation of the Commissioners in meeting; but if the Commissioners in meeting do not confirm the action of the Committee, such steps shall be taken to carry out the orders of the Commissioners as may still be practicable:

Provided also that if the Commissioners in meeting when appointing a Committee expressly prohibit any action being taken until the decision of the Committee has been confirmed in general meeting, no action shall, under any circumstances, be taken prior to such confirmation.

Power of Committees to appoint Sub-Committees.

67. The General Committee or any other Committee may, subject to the control of the Commissioners in meeting, appoint such Sub-Committees as they may think fit, and make over to them such of their duties and functions as they may deem proper.

No defect in the constitution of, or the proceedings at, any Committee meeting or Sub-Committee meeting shall be held to invalidate such proceedings after they have been confirmed by the Commissioners in meeting.

Power to frame rules for conduct of business.

68. The Commissioners in meeting may frame rules not inconsistent with this Act for the conduct of business at their meetings, and also for the conduct of business at meetings of the General Committee and other Committees.

PART V.—*Of the Estimates of Income, Expenditure, and Audit.*

A budget or estimate of income and expenditure to be submitted annually to the Commissioners.

69. At a general meeting to be held in the month of February in each year, the Chairman shall lay before the Commissioners a budget or estimate, prepared by him, of the income and expenditure of the Commissioners for the year commencing on the first day of April then next succeeding, in such detail and form as the Commissioners in meeting shall from time to time direct.

Such budget shall be completed and printed, and a copy thereof, as far as may be practicable, sent by post or otherwise to each of the Commissioners resident within twenty miles of Government House, at least three days prior to the meeting before which the budget is to be laid.

Budget of expenditure.*

70. The budget shall show what expenditure it is proposed to incur during the period to which it relates, and the manner in which it is proposed to meet such expenditure :

Provided that nothing contained in this section shall preclude the Commissioners in meeting from sanctioning expenditure not provided for in the budget.

Such budget shall be referred to the General Committee for consideration with such instructions as the Commissioners in meeting may think fit to pass when making such reference. The General Committee shall consider such budget, modify it at its discretion, and report upon it in time for consideration at the meeting to be held for fixing the rates under the provisions of the next succeeding section.

Passing of budget and fixing of rates.

71. The Commissioners in meeting, to be held during the the month of March, shall consider the budget as modified by the General Committee, and shall pass it subject to such further modifications or additions as may be thought fit. The Commissioners shall thereupon at the same meeting, or, if such meeting be adjourned, at such adjourned meeting, fix, with reference to the budget as passed, the rates at which the rates and taxes hereinafter mentioned shall be imposed for the year commencing on the first day of April next ensuing, and the rates so fixed shall not be altered before the special meeting held in the next succeeding month of March, except by a resolution of the Commissioners passed at a special meeting.

* No new work or series of works, the entire estimated cost of which amounts to Rs. 1,00,000, shall be commenced (though included and passed in the budget) without the sanction of the Local Government.

Accounts to be audited and examined.

72. The accounts of the receipts and expenditure of the Commissioners shall be audited and examined at least once in every year at such

time and by such auditors as shall, from time to time, be appointed by the Local Government.

Powers of auditors.

73. For the purposes of any audit and examination of accounts under this Act, the auditors may, by summons in writing, require the production before them of all books, deeds, contracts, accounts, vouchers, and all other documents and papers which they may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, documents, or papers to appear before them at any such audit and examination, or adjournment thereof, and to make and sign a declaration with respect to the same.

Penalty.

74. Any person who, when duly required so to do by any auditor of accounts under the last preceding section, shall neglect or refuse to appear before such auditor, or to produce any books, deeds, contracts, accounts, vouchers, documents, or papers or to make or sign a declaration with respect to the same, or to answer any question or prepare and submit any statement, shall be liable, for every neglect or refusal, to a fine not exceeding Rs. 100, and to a further fine not exceeding Rs. 70 for each day during which the offence is continued after he has been convicted of such offence.

Remuneration of auditors.

75. All auditors acting under this Act shall, in respect of each audit, be paid such reasonable remuneration as the Commissioners in meeting shall, from time to time, determine.

Ten days' notice of audit to be given.

76. Before each audit and examination of accounts, the Commissioners shall give ten days' notice of the time and place at which the same will be made by advertisement in at least two of the daily newspapers published in Calcutta; and a copy of the accounts to be audited and examined shall be deposited in the office of the Commissioners and be opened during office hours thereat to the inspection of all persons interested for seven days before the audit and examination, and all such persons shall be at liberty to take copies of, or extracts from, the same, without the payment of any fee, and within fourteen days after the audit and examination shall have

been completed, the auditors shall report upon the accounts audited and examined, and shall deliver such report to the Commissioners in meeting, who shall cause the same to be deposited in the office of the Commissioners, and to be published in the *Calcutta Gazette*.

CHAPTER III.

Of Taxes.

Part I.—*Of the Tax on Carriages and Animals.*

Tax on carriages and animals.

77. A tax at a rate not exceeding the rates prescribed in the Fourth Schedule shall be imposed upon all carriages and draught animals or animals used for riding kept in Calcutta, and shall be payable in advance. But it shall not be imposed on—

(*a*) any animal which any person exempted from the operation of any municipal tax by an order issued under section three of Act XI of 1881 is bound, by the regulation of the service to which he belongs, to keep ;

(*b*) animals exempt from any municipal tax under section twenty-five of Act XX of 1869 ;

(*c*) carriages or animals belonging to the Government or to the Corporation ;

(*d*) carriages none of the wheels of which exceed twenty-four inches in diameter ;

(*e*) carriages kept for sale by *bonâ fide* dealers in such carriages and not used for any other purpose ;

(*f*) carriages or animals certified by the Chairman of the Corporation or by the Commissioner of Police respectively, to be used by the owner thereof for municipal or police purposes ;

(*g*) tramcars and animals employed in working street tramways.

78. The owner or the person in charge of a carriage or animal liable to a tax under the last preceding section shall, before the first day of May and the first day of November in each year, forward to the office of the Commissioners a statement in writing signed by him, containing a description of the carriages and animals owned by him or in his charge liable to the tax.

Owners of carriages or animals to take out license.

Such person shall at the same time pay to the Commissioners such sum as shall be payable by him for the half-year commencing on the first day of April or October (as the case may be) for the carriages and animals specified in such statement, according to the rates prescribed in the Fourth Schedule.

Any person who becomes the owner or takes charge between the first day of April and the first day of October, or between the first day of October and the first day of April, of any carriage or animal shall, within a week of his becoming owner or taking charge, send to the office of the Commissioners a similar statement, together with the amount payable for the whole of the then current half-year according to the rates prescribed in the Fourth Schedule.

The Commissioners may, if they are satisfied that any such carriage has not been used within the half-year, or that any such carriage or animal has been kept for only a portion of the then current half-year,

refund, or remit, the whole, or such portion thereof as they may think fit, of the amount so payable.

For the purposes of this section, a livery stable-keeper shall be deemed to be the owner or to be in charge of every animal in his stables.

79. Whenever any person shall pay to the Commissioners the amount of the tax which shall be payable by him in respect of all carriages and animals kept in Calcutta, the Commissioners shall grant to such person a license to keep such carriages and animals during the current half-year ending upon the thirtieth day of September or the thirty-first day of March next after the grant of such license, and no longer.

On payment of tax, Commissioners to grant license.

A license may at any time be granted for any previous half-year for which no license has been taken out on payment of the amount due for that half-year.

Penalty.

80. Whoever owns, or is in charge of, any carriage or animal without the required license shall be liable to a fine not exceeding three times the amount payable by him in respect of such license, and not being less than one and a half times such amount. And such fine shall, when levied, be taken in full satisfaction of the demand on account of such license.

Commissioners may compound for carriages with livery stable-keepers and others.

81. The Commissioners, at their discretion, may compound, for any period not exceeding one year, with livery stable-keepers and other persons keeping carriages for hire, or animals for sale or hire, for a certain sum to be paid for the carriages or animals so kept by such persons in lieu of the taxes prescribed in the Fourth Schedule.

Penalty.

82. The provisions of section eighty shall apply to any person who, having compounded for the payment of a certain sum under the last preceding section, refuses or neglects to pay such sum; the amount due for a license being taken as the amount thus compounded for.

Power to compel production of the books of livery stable-keepers.

83. The Commissioners may, by a notice in writing, require any person who shall carry on the trade or business of a livery stable-keeper to produce, for the inspection of the Commissioners, or of any officer authorized by them in that behalf, all books and accounts relating to such trade or business.

Power to inspect stables and seize carriages and animals if tax unpaid and owner unknown.

84. The Commissioners may, at any time between sunrise and sunset, enter and inspect any stable or coach-house, or any place wherein they may have reason to believe that there is any carriage or animal liable to taxation;

and if the Commissioners at any time find any carriage or animal in respect of which no license has been obtained, the Commissioners may, if the owner or person in charge of such carriage or animal is unknown, by a written order authorize any

of their subordinate officers to take possession of such carriage or animal, and the Commissioners shall make such order as they think fit respecting the custody thereof.

Disposal of carriages and animals seized.

85. If any person within one month establishes his claim to the possession of such carriage or animal, the Commissioners shall order it to be delivered to him on payment of the tax due, together with such costs as the Commissioners may have reasonably incurred in taking possession of and keeping the same. If no person within such period satisfies the Commissioners that he is entitled to such carriage or animal, it may be sold for the recovery of the tax and costs aforesaid; and if any person whose carriage or animal has been sold establishes his claim to the net proceeds of such sale, the Commissioners shall order the proceeds of such sale, less the tax due and all costs incurred in consequence of the seizure and sale, to be delivered to such person.

List of persons licensed to be entered in a book.

86. The Commissioners shall, from time to time, cause to be prepared and entered in distinct columns in a book to be kept at the office of the Commissioners and to be open to the inspection of any person who shall apply for leave to inspect the same, a list of the persons to whom during the then current period of six months a license has been granted under section seventy-nine and of the carriages and animals in respect of which the same has been granted.

PART II.—*Of the Tax on Professions, Trades, and Callings.*

Persons exercising certain professions, trades, and callings in the town to take out a license.

87. Every person who shall exercise in Calcutta any of the professions, trades, or callings prescribed in the Second Schedule shall annually take out a license and shall pay for the same such sum as is in the Second Schedule mentioned.

The Commissioners may in their discretion remit or refund any portion of the sum so payable if they are satisfied that any such person has exercised any such profession, trade, or calling for a portion of the year only.

They may also reduce any person from a higher to a lower class, or exempt any person altogether on the ground of his inability to take out such license.

88. The license mentioned in the last preceding section shall be granted by the Commissioners, and shall specify—

License to be granted by Commissioners and to specify particulars.

(*a*) the date of the grant thereof,

(*b*) the name of the person to whom the license is granted,

(*c*) the profession, trade or calling, and if the license is a local license the place of business in respect of which it is granted, and the sum paid for such license.

Such license shall have effect and continue in force from the commencement of the year on account of which it is granted until the thirty-first day of March of that year.

89. The liability of any person to take out a license, and the class under which he shall be deemed bound to take out such license, shall be determined in accordance with the procedure laid down in rule (7) of the Second Schedule.

Liability and class how to be determined.

90. Whoever exercises any trade, profession, or calling without the license required by section eighty-seven on or after the first day of July in any year, shall be liable to a fine not exceeding three times the amount payable by him in respect of such license, and not being less than one and a half times such amount. And such fine shall, when levied, be taken in full satisfaction of the demand on account of such license.

Penalty for exercising trade or profession without a license.

91. The Commissioners may, by a notice in writing, require the occupier of any house to forward to them within seven days a list, signed by him, of the names of all male persons residing or carrying on any trade, profession, or calling, in such house and of their respective professions, trades, and occupations.

Commissioners may require list of persons in any house.

92. Whoever, being the occupier of any house, fails to forward such list when required to do so under the last preceding section, shall be liable to a fine not exceeding Rs. 100.

Penalty.

93. As soon as may be after the first day of April in every year, the Commissioners shall prepare a list of the persons licensed for the preceding year under section eighty-eight, which shall state the particulars specified in that section, and such list shall be kept in the office of the Commissioners, and be open to public inspection at all reasonable times.

Commissioners to prepare a list of all persons required by this Act to be licensed.

PART III.—*Of the Registration of Carts.*

94. Every cart kept or used within the limits of Calcutta or Howrah shall be registered in the office of the Commissioners with the name and residence of the owner, and shall have affixed thereto the number of such registration in such manner as the Commissioners shall direct.

Registry and numbering of carts.

95. Whoever keeps, or is in possession of, a cart not duly registered as required by the last preceding section shall be liable to a fine not exceeding three times the amount payable by him in respect of such registration, exclusive of the amount so payable; and whoever, being the owner or driver of any cart, shall fail to affix the registration number required by the last preceding section shall be liable to a fine not exceeding Rs. 5.

Penalties.

96. The registration of carts under section ninety-four shall be made, and the numbers assigned half-yearly on or after the first day of April and the first day of October in each year, upon such days as the Commissioners shall appoint, and a fee of Rs. 4 shall be paid for each registration.

Fee for registration.

The Commissioners may, in their discretion, remit any portion of the fee so payable if they are satisfied, if the cart hereinbefore required to be registered, as mentioned in section ninety-four, has been kept or used for a portion of the half-year only.

When any registered cart is transferred within any half-year, it shall be registered anew in the name of the person to whom it has been transferred; and a fee of four annas shall be paid for every such last-mentioned registration.

The total net proceeds of the fees half-yearly received by the Commissioners for the registration of carts, after deduction of the charges incurred on account of such registration, shall be divided between the Municipalities of Calcutta and Howrah, and such other Municipalities adjacent to Calcutta or Howrah as the Local Government shall declare to be entitled to a share in such receipts, in such proportion as the Local Government may, from time to time, determine.

Last three stations not to apply to certain carts.

97. The three last preceding sections shall not apply to carts—

(a) which are the property of the Government;

(b) which are the property of the Commissioners of Calcutta or Howrah, or of any adjacent Municipalities; or

(c) which are kept at any place more than eight miles distant from Government House and are only temporarily and casually used within the Municipality of Calcutta or Howrah.

On failure to register, Commissioners may seize and sell carts and animals.

98. If any person owns or keeps any cart hereinbefore required to be registered, without having caused the same to be registered, the Commissioners may seize such cart (provided the same be not employed at the time of the seizure in the conveyance of passengers or goods), together with the animal or cattle drawing the same, and may detain them.

And all Police Officers shall, on the application of the Commissioners, seize and detain any such cart, animals or cattle.

If the cart, animals, or cattle so seized be not claimed within ten days, they may be sold by auction by order of a Magistrate, and the proceeds of such sale may be applied to the expenses incurred on account of the seizure, detention, and sale; and the surplus (if any), if not claimed within a further period of twenty days, shall be paid to the credit of the Corporation.

PART IV.—*Of the Tax on Petroleum.*

Levy of a tax on petroleum.

99. The Commissioners in meeting may, with the previous sanction of the Local Government, prohibit the introduction into Calcutta for the pur-

pose of storage therein of petroleum intended for consumption elsewhere, and may thereafter, with the like sanction, levy a tax not exceeding four annas per case of ten gallons on all petroleum introduced into Calcutta for consumption therein.

Rules for taxing petroleum.

100. The Commissioners in meeting may, from time to time with the sanction of the Local Government, make rules as to all or any of the following matters:—

(*a*) the detention and examination of petroleum introduced into Calcutta for consumption therein;

(*b*) the collection of the tax levied on petroleum;

(*c*) such other matters connected with the introduction of petroleum into Calcutta for consumption therein as the Commissioners in meeting may, from time to time, think fit to regulate:

Provided that no rule shall render petroleum, passing through Calcutta in transit for any place beyond it, liable to taxation or to any detention or examination whatsoever under this Act.

And all petroleum introduced into Calcutta, contrary to any rules made under the provisions of this section, may be seized and confiscated.

All petroleum confiscated under this section shall become the property of the Commissioners.

CHAPTER IV.

OF RATES.

PART I.—*Of Imposing the Rates.*

Rates.

101. The Commissioners may, as provided in section seventy-one, impose the following rates upon all houses and lands within the town:—

(*a*) The general rate not exceeding 13 per cent. on the annual valuation:

(*b*) A water-rate not exceeding 6 per cent. on the annual valuation:

Provided that houses and lands, no part of which is within 150 yards of the nearest stand-pipe or other supply of filtered water available to the public, shall pay 3 per cent. less than houses otherwise situated.

(*c*) A lighting-rate not exceeding 2 per cent. on the annual valuation.

(*d*) A sewage-rate not exceeding 2 per cent. on the annual valuation.

Appropriation of the Water-supply Fund.

102. The water-rate shall be annually fixed by the Commissioners in meeting with reference to the requirements of the Water-supply Fund.

The Water-supply Fund shall be credited with the receipts of the water-rate, with all receipts arising out of the sale of water, and with all miscellaneous receipts connected with the water-supply.

It shall be debited with—

(*a*) The annual interest of all sums borrowed from time to time, whether from Government, or by way of debenture loan for the construction or extension of water-works for the supply of filtered or unfiltered water.

(*b*) The annual expenditure requisite for the repayment of these loans, or for the creation of a Reserve Fund for their future repayment.

(*c*) The cost of maintaining in an efficient condition the supply of filtered water to Calcutta.

(*d*) The cost of maintaining in an efficient condition the supply of unfiltered water to Calcutta.

(*e*) The establishments and miscellaneous expenditure necessary for the purposes specified in clauses (*c*) and (*d*).

(*f*) Such a proportionate share of the cost of collection, of general supervision and of the Head Office, as the Commissioners in meeting may, from time to time, direct.

Appropriation of the Lighting Fund.

103. The lighting-rate shall be annually fixed by the Commissioners in meeting with reference to the requirements of the Lighting Fund.

The Lighting Fund shall be credited with the receipts of the lighting-rate, with the receipts, if any, arising out of the sale of gas or electricity, and with all miscellaneous receipts connected with the lighting of the town.

It shall be debited with—

(*a*).—The annual interest on all sums which may hereafter be borrowed for the construction of gas-works or for supplying electricity for the lighting of Calcutta.

(*b*).—The annual contributions to the Reserve Fund for the future repayment of such sums.

(*c*) —All expenditure necessary for the efficient lighting of the town by gas, oil, electricity, or any other means.

(*d*).—The establishments and miscellaneous expenditure necessary for the purposes specified in clause (*c*).

(*e*).—Such proportionate share of the cost of collection, of general supervision, and of the Head Office as the Commissioners in meeting may, from time to time, direct.

Appropriation of the Sewage Fund.

104. The sewage-rate shall be annually fixed by the Commissioners in meeting with reference to the requirements of the Sewage Fund.

The Sewage Fund shall be credited with the receipts of the sewage-rate, with the proceeds, if any, arising from the sale of nightsoil, the receipts from licenses under section three hundred and eleven, and with all miscellaneous receipts connected with the working of the Nightsoil Removal Department.

It shall be debited with—

(*a*).—The cost of the establishments maintained under section three hundred and thirteen.

(*b*).—The cost of maintenance of all public latrines and urinals and of the establishments for their cleansing.

(*c*).—Such proportionate share of the cost of inspecting, maintaining, and cleansing the public sewers as the Commissioners in meeting may, from time to time, determine.

(*d*).—Such proportionate share of the cost of collection, of general supervision, and of the Head Office as the Commissioners in meeting may, from time to time, determine.

Appropriation of the General Fund.

105. The general rate shall be annually fixed by the Commissioners in meeting with reference to the requirements of the General Fund.

The General Fund shall be credited with the receipts of the general rate, with all moneys paid to the Commissioners in accordance with the provisions of this Act other than those assigned to the Water-supply Fund, Lighting Fund or Sewage Fund, and with such other moneys received by the Commissioners as the Commissioners in meeting may, from time to time, direct to be credited to the General Fund.

It shall be debited with all expenditure incurred in accordance with the provisions of this Act other than that debitable to the Water-supply Fund, Lighting Fund or Sewage Fund, and with all other expenditure that may be lawfully incurred by the Commissioners which the Commissioners in meeting shall direct to be debited to the General Fund :

Provided that, when any of the other rates are levied at a maximum, but not otherwise, grants may be made by the Commissioners in meeting in aid of any fund dependent on such rate if the receipts of the Fund fall short of the requisite disbursements.

The four rates to be levied as a consolidated rate

106. These four rates, after having been fixed under section seventy-one of this Act, shall be levied as one consolidated rate and the collections made on account of this rate shall be divided between the General Fund, the Water-supply Fund, the Lighting Fund and the Sewage Fund in the proportions at which the rates are being levied for the time being without reference to the year on account of which each payment is made.

Such deduction shall, however, be made from the proportion to be credited to the Water-supply Fund as may seem to the Commissioners in meeting to be approximately equivalent to

the diminished productiveness of that rate, owing to the partial exemption of certain premises under clause (*b*) of section one hundred and one.

Rate by whom and when payable.

107. The consolidated rate shall be payable half by the owners of the houses and lands, and half by the occupiers thereof. It shall be payable on the first day of April, first day of July, first day of October and first day of January for the quarters, respectively, commencing on those dates.

PART II.—*Of the Owner's share of the Consolidated Rate.*

If assessment be made at a higher annual value than the amount paid by the occupier, owner may recover difference from him.

108. If the annual value of any house or land as determined under Chapter V shall in any case exceed the amount of rent payable to the owner, the owner may in such case recover from the person who pays him rent the difference between the sum assessed upon him as the owner's share of the consolidated rate and the sum at which he would have been assessed had the house been valued only at the amount of rent actually payable to him, and such difference shall be added to the rent and shall be recovered by the owner from the person liable for the payment thereof.

Refund of owner's share of consolidated rate.

109. When any house or land whereon the consolidated rate is assessed under Chapter V has been vacant for sixty consecutive days during any year, the person liable to pay the owner's share of the consolidated rate shall, if notice in writing be given to the Commissioners of such house or land being vacant, be liable to pay only one-fourth of the consolidated rate due on account of the period of vacancy—the period of vacancy being calculated from the date on which the notice is delivered; if more than one-fourth of the consolidated rate has been paid in advance, the surplus shall, on demand, be refunded.

No refund unless application be made within six months from vacancy.

110. No refund shall be made under the last preceding section unless the same shall be applied for within six months from the date of vacancy of the house or land on account of which the refund is applied for.

PART III.—*Of the Occupiers' share of the Consolidated Rate.*

Refund of occupier's share of consolidated rate when house ceases to be occupied.

111. When any house or land whereon the consolidated rate is assessed under Chapter V is vacant, the person liable to pay the occupier's share of the rate up to the period of such vacancy shall, if he has paid for the whole quarter, be entitled to a refund of all the rate paid by him for the period during which the house is vacant, or for the period during which it may have been occupied by a new occupier, if notice shall have been given in writing to the Commissioners of such house or land being vacant; and the date of vacancy shall be calculated from the date of delivery of such notice at the office of the Commissioners.

No refund of rates unless application made within six months from vacancy.

112. No refund of rates shall be made under the last preceding section unless the same is applied for within six months from the date of cessation of occupation of the house or land on account of which the refund is applied for.

Rate payable on house or land becoming occupied.

113. Whenever any house or land which shall have been unoccupied shall be occupied during any quarter, there shall be forthwith payable in respect of such house or land the full occupier's share of the consolidated rate for the period between the date of occupation and the last day of the quarter.

Person subletting to different persons to be deemed occupier.

114. Whenever any person holding any house or land at a rent from the person liable to pay the owner's share of the consolidated rate in respect of such house or land has or may sublet the same to different persons holding in severality, the person so holding shall, for the purposes of this Act, be deemed to be the occupier of such house or land.

Power to impose entire rate on owner in certain cases.

115. If any house is occupied by more than one person holding in severality, or is valued at less than Rs 200, the Commissioners may impose the entire consolidated rate upon the owner of such house.

Owner to recover from occupier rate paid by owner.

116. If the entire rate is paid by the owner of any house under the last preceding section, such owner may, if there be but one occupier of the house, recover from such occupier half of the rate so paid by such owner; and if there be more than one occupier, he may recover from each occupier half of such sum as shall bear to the entire amount of rate so paid by him the same proportion as the value of the portion of the house in the occupation of such person bears to the entire value of such house.

Imposition of consolidated rate in the case of bustee land.

117. The entire consolidated rate imposed upon bustee land and the huts built thereon shall, after deducting therefrom a sum equal to one-eighth of such rates, be paid by the owner of such land. The sum deducted shall be retained by the owner of the land as a set off against the expenses which may be incurred in collecting the portion of the rate recoverable from the occupiers of the land or the owner or occupiers of huts built thereon, under the provisions of the next succeeding section, and as a commutation of all refunds in respect of huts which are vacant or which may be removed or destroyed during the continuance of the period for which the rate is imposed :

Provided that no additional rates shall be imposed on account of any new huts built or of any huts enlarged during the year for which the valuation remains in force, under the provisions of section one hundred and twenty-four.

Owner to recover from occupier rates paid by owner.

118. Whenever a rate is imposed on bustee lands, the Commissioners shall cause the land and the huts standing on it to be separately valued, and the owner of the land may recover from the owner of each hut half the consolidated rate paid by him for the land on which the hut stands, and the entire consolidated rate payable on account of the hut.

Owner to have same power for recovering rates as for recovering rent.

119. Every owner who, under the provisions of sections one hundred and sixteen and the last preceding section, may be entitled to recover any sum from the occupier of any house or of any portion thereof, or

from the owner of any hut, shall have for the recovery of such sum all such and the same remedies, powers, rights, and authorities as if such sum were rent payable to him.

Occupier of house or land may be required to furnish name of owner.

120. The Commissioners may, by a notice in writing, require the occupier of any house or land to furnish them, within fifteen days, with the name and address of the owner of such house or land, and such name and address, when so received, shall be registered provisionally in the assessment book kept under section one hundred and twenty-eight.

On failure occupier liable to owner's rates.

121. If the occupier of any house or land shall refuse or neglect to furnish the information so required of him under the last preceding section, he shall be liable to pay the rates payable by the owner on account of such house or land, and on non-payment thereof, the Commissioners may recover the same by distress and sale of any moveable property found in the house or on the land :

Provided that no arrear of rate which has remained due from the owner of any house or land, for more than one year, shall be so recovered from the occupier thereof.

CHAPTER V.

OF THE ASSESSMENT OF HOUSES AND LAND.

Annual value of house or land how to be ascertained.

122. For the purpose of assessment under this Act, the annual value of land and the annual value of any house built for letting purposes or ordinarily let shall be the gross annual rent at which such land or house might reasonably be expected to let from year to year less, in the case of a house, an allowance of 10 per cent. for the cost of repairs, and for all other expenses necessary to maintain the house in a state to command such gross rent. The annual value of any house not built for letting purposes and not ordinarily let shall be 5 per cent. on the sum obtained by adding the estimated present cost of building the house, less a reasonable amount to be deducted on account of depreciation, if any, to the estimated value of the land valued with the house as part of the same premises.

When a house is occupied by the owner under such exceptional circumstances as renders a valuation of 5 per cent. of the cost of building, less depreciation, excessive, a lower percentage may be taken.

The value of land so estimated shall not include the value of any machinery thereon.

Annual value to be assessed by the Commissioners; valuation to remain in force for six years.

123. All valuations of houses made by the Commissioners prior to the commencement of this Act shall remain in force during the period for which they were so made, and on the expiration of such period, the annual value at which any house is to be assessed shall be fixed by the Commissioners for a period of six years, and thereafter for successive periods of six years:

Provided that for the purpose of dividing the town into districts under section one hundred and twenty-nine, the Commissioners may retain the valuation of the houses in any part of Calcutta for a further period not exceeding six years, or may, with the same object, make a re-valuation for a less period than six years.

Bustee lands may be valued annually.

124. Bustee lands with the huts upon them, or lands that are waste or used for agricultural purposes, may be valued annually at the discretion of the Commissioners, and shall be so valued on the application of the owner. When not re-valued, the former valuation shall remain in force from year to year until a re-valuation is made.

Intermediate valuation in certain cases.

125. Any house, the valuation of which may have been cancelled on the ground of irregularity, or which for any other reason may have no annual value legally assigned to it, may be valued at any time under section one hundred and twenty-two for such period as remains unexpired in the district in which it is included under section one hundred and twenty-nine.

When substantial improvement made, Commissioners may re-value.

126. If during the currency of any period mentioned in section one hundred and twenty-three any substantial alteration and improvement is

made to any such house, the Commissioners may cause such house to be again valued, even though such period has not expired, and such last mentioned valuation shall be in force, and the rate shall be imposed according to it, until the expiration of the said period of valuation.

When substantial injury done, Commissioners may re-value.

127. If during the currency of any period mentioned in section one hundred and twenty-three the value of such house shall suffer depreciation from any cause proved to the satisfaction of the Commissioners to have been beyond the control of the owner or occupier thereof, the Commissioners shall, as soon as practicable on application being made to them in writing by the owner or occupier of such house, cause it to be again valued, even though the current period of valuation has not expired, and such last-mentioned valuation shall be in force, and the rate shall be imposed according to it, until the expiration of the said period of valuation :

Provided that if any substantial alteration and improvement shall be made, prior to the expiration of the said period of valuation, to the house which shall have been again valued as aforesaid, the Commissioners may cause such house to be again valued as under the last preceding section.

Annual value fixed to be entered in a book.

128. The annual value fixed by the Commissioners as hereinbefore provided shall be entered in a book to be kept at the office of the Commissioners, wherein shall also be written—

(*a*) number of premises;

(*b*) description of premises;

(*c*) name of person primarily liable to pay the rate;

(*d*) amount of valuation;

(*e*) amount of rate payable quarterly;

(*f*) if exempted, the ground of exemption.

This information may be contained in as many books as the Commissioners may, from time to time, determine which shall together constitute a book to be called the "assessment book."

When the name of the owner or occupier is not known, it shall be sufficient to designate him in the assessment book as the "owner" or "occupier."

Owner or occupier may apply to have his name entered as such in assessment book.

Any owner or occupier may at any time apply to the Commissioners to have his name entered as owner or occupier in the assessment book, and the Commissioners shall, unless there is sufficient reason to refuse such application (which refusal shall be in writing), cause such name to be entered in the assessment book.

Where there are gradations of owners or occupiers, and doubt exists as to who is entitled to be registered as owner or occupier of any premises, the Commissioners shall determine which of the several owners or occupiers is entitled to be registered as such, and their decision shall remain in force for the purposes of this Act till set aside by the order of a competent court.

No owner or occupier whose name is not entered in the assessment book shall be entitled to object that any bill, notice of demand, warrant or other notice of any kind required by this Act to be served on the owner or occupier of any house or land, has not been made out in his own name:

Person paying owner's share of consolidated rate may be registered provisionally as owner.

Provided that any person who has paid the owner's share of the consolidated rate for the last preceding quarter may, if there is no opposition to his application to be registered as owner but such application is rejected or postponed for want of evidence, claim to have his name provisionally registered as owner, and when his name is so provisionally registered he shall enjoy all the privileges and incur all the liabilities attaching to the owner of any house or land under this Act so long as no other person claims to be registered as owner.

A list shall be published annually, in such manner as the Commissioners may determine, stating the names of all persons who are provisionally registered and the premises in respect of which they are so registered.

Any name provisionally registered as that of an owner of any premises shall after three years, if no objection be taken, be transferred to the assessment book as that of the owner of such premises.

New valuations or measurement to be made.

129. For the purpose of valuing houses for a period of six years, the Commissioners shall divide Calcutta into such and so many districts as they may think fit, and proceed to make separate valuation district by district, and shall enter the same in the assessment book.

Returns may be required for purpose of valuation.

130. The Commissioners, by a notice in writing, may require the owner or occupier of any house or land to furnish them with returns of the measurements and of the rent or annual value thereof; and the Commissioners, or any person authorized by them in that behalf, may at any time between the hour of seven in the forenoon and sunset enter on, and inspect, survey, and measure such house or land after giving a notice in writing of not less than twenty-four hours.

Penalty.

131. Whoever refuses or fails to furnish any such return for the space of one week from the day on which he shall have been required so to do, or knowingly makes a false or incorrect return, and whoever hinders, obstructs, or prevents any Commissioner, or any person appointed by the Commissioners as aforesaid, from entering or inspecting or measuring any such house or land, shall be liable to a fine not exceeding Rs. 200 for every such offence.

Public notice of valuation to be given.

132. When the valuation of any of the districts into which Calcutta may have been divided by the Commissioners in accordance with the provisions of section one hundred and twenty-nine shall have been completed, the Commissioners shall give public notice thereof, and of the place where the statement of valuations of all the houses included in such district may be inspected. Such notice shall be by advertisement in at least two English newspapers, and in two Vernacular newspapers, published in Calcutta, and also by placards posted up in conspicuous places throughout such district.

And the person in whose custody the statement of valuations may be, shall permit any person, being the owner or occupier of any house or land included in the district or the agent of such

owner or occupier, to inspect the records and to make extracts therefrom without payment of any fee, and any person, not being such owner or occupier, to inspect and make extracts, in like manner, on payment of a fee of one rupee in respect of each entry extracted.

Notice when valuation made for first time or increased.

133. The Commissioners shall, in all cases in which any house is for the first time valued, or in which the valuation of any house previously valued is increased, give special notice thereof to the owner or occupier of the same, and when the valuation is increased as aforesaid, the said notice shall state the grounds of such increase.

Notice to be given before re-valuing bustee land.

134. Before re-valuing any bustee or other land under section one hundred and twenty four, the Commissioners shall give notice to the owner of the land that on or after a date not less than fifteen days from the receipt of such notice by the owner of the land, such re-valuation will take place, and if the valuation so made exceeds the previous valuation, the Commissioners shall give to the owner a special notice of the amount of the valuation with full details thereof.

Person dissatisfied with valuation to give notice of objection.

135. Any person who is dissatisfied with a valuation made under this Chapter shall in the case of houses, within fifteen days after the publication of the notice referred to in section one hundred and thirty-two, or after receipt of the notice referred to in section one hundred and thirty-three, when such notice is received after the publication of the notice referred to in section one hundred and thirty-two, and in the case of bustee or other land within fifteen days after the receipt of the special notice referred to in section one hundred and thirty-four, deliver at the office of the Commissioners a notice in writing stating the grounds of his objection.

Objection to be entered in register and to be investigated and determined by Chairman or Vice-Chairman.

136. All such objections shall be entered in a register to be maintained for the purpose, and on receipt of any objection, notice shall be given to the objector of a day and place when his objection will be investigated.

On the day and place notified, the Chairman or Vice-Chairman *(if the case is referred to him by the Chairman)* shall hear the *objection in the presence of the objector if he shall appear, or* the Chairman or Vice-Chairman may, for reasonable cause, adjourn the investigation. When the objection has been determined, the order passed shall be recorded in the register of objections, together with the date of such order.

Person dissatisfied with decision of Chairman or Vice-Chairman may appeal to Small Cause Court.

137. Any person dissatisfied with the orders passed on his objection may appeal to the Court of Small Causes having jurisdiction in the place where the house, land or bustee-land is situated. Such appeal shall be presented to the Court of Small Causes within thirty days of the decision of the objection under section one hundred and thirty-six, and shall be accompanied with an extract from the register of objections containing the orders objected to. No appeal shall be admitted unless an objection has first been taken under section one hundred and thirty-five.

Valuation by Commissioners when to be final.

138. The valuation by the Commissioners when no appeal therefrom is made as hereinbefore provided, and the adjudication of any appeal under the last preceding section when an appeal is made, shall be final and binding.

Valuation to be entered in assessment book.

139. The valuation made by the Commissioners subject to such alterations as may from time to time thereafter be duly made, shall be entered in the assessment book, and the assessment calculated on the said valuation shall, subject to such alterations as aforesaid, be deemed to be the amount payable during the whole period for which the valuation is in force, and this period shall be calculated from the commencement of the quarter next succeeding that in which any such amendment shall be so authenticated; and until such date the old valuation shall continue in force, notwithstanding that the period for which it was made may have expired.

Alteration or amendment of valuation.

140. The Chairman or Vice-Chairman may at any time amend the assessment book by inserting therein the name of any person whose name ought to be so inserted, or by inserting any

house or land liable to the rate, or by inserting a valuation when the house or land liable to be valued has not been valued, after giving notice to any person interested in the making of the amendment of a day, not being less than fifteen days from the date of the service of such notice, when such amendment is to be made; the Chairman or Vice-Chairman may also strike out the name of any person, or any house or land not liable to the rate, or reduce the amount of the valuation without notice :-

Provided that no reduction shall be made inconsistent with the provisions of section one hundred and thirty-eight.

If any amendment shall be made in cases were notice is required, the same shall be deemed to have been made on the expiration of fifteen days after service of the said notice; and any person interested in such amendment may object by application in writing to the Commissioners, to be left at their office three clear days before the day fixed in the said notice, and the provisions of sections one hundred and thirty-five, one hundred and thirty-six, one hundred and thirty-seven, and one hundred and thirty-eight shall, so far as may be practicable, apply to such objection.

CHAPTER VI

OF LEVYING THE RATES.

Bills to be presented.

141. When any rate is due, the Commissioners shall cause to be presented to the person liable to the payment thereof a bill for the sum due, which shall also contain a statement of the period and a description of the property for which the rate is charged.

Notice of demand.

142. If the bill is not paid by the person liable to pay the same within seven days from the presentation thereof, the Commissioners may cause to be served upon such person a notice of demand in the form prescribed in the Fifth Schedule, or to the like effect; and, if he shall not, within seven days from the service of such notice of demand, pay the sum due, or show sufficient cause to the satisfaction of the Commissioners for non-payment of the same, such

Distress.

sum, with all costs, may be levied by distress and sale of the moveable property of the defaulter, or if the defaulter be the occupier of any house or land in respect of which a rate is due, by distress and sale of any moveable property found on the house or land, whether actually belonging to the defaulter or not, and a warrant in the form contained in the Sixth Schedule, or to the like effect, to be issued for that purpose by the Commissioners :

Provided that when the premises in respect of which the default is committed are a place of business, and the moveable property distrained is shown to the satisfaction of the Commissioners to have been left there for repairs or safe custody in the ordinary course of business, it shall be released.

For every notice of demand under this section which the Commissioners shall cause to be served upon any person, a fee, not exceeding one rupee, shall be payable.

Such fee shall be added to the amount of the rate in respect of which the notice is given, and, if not duly paid, may be levied in the same manner as such rate may be levied.

Inventory—notice of distress.

143. The officer charged with the execution of a warrant of distress under the last preceding section shall forthwith make an inventory of the moveable property seized under such warrant, and shall at the time give a notice in writing in the form contained in the Seventh Schedule, or to the like effect, to the person in possession thereof at the time of the seizure, that the said moveable property will be sold as therein mentioned.

Sale.

144. If the warrant is not in the meantime discharged or suspended by the Commissioners, the moveable property seized shall be sold and the proceeds, or such part thereof as may be necessary, shall be applied in discharge of the said arrears and costs ;

and the surplus, if any, shall be returned on demand to the person in possession of the moveable property at the time of the seizure.

All distresses under this Chapter shall be reasonable and the amount of property seized shall be proportionate to the arrears due, and all sales of property under this section shall, so far as may be practicable, be regulated by the procedure now in force,

or hereafter to be in force in the Court of Small Causes with respect to sale after distress.

Fees shall be payable upon warrants issued under this Act according to the rates set forth in the table of fees contained in the Eighth Schedule.

All officers and servants of the Corporation are prohibited from purchasing any property at any such sale.

Goods of defaulters, wherever found, may be distrained.

145. The moveable property of any person from whom any rate is due may be distrained, wherever the same may be found, for default in payment of the money due from him.

Rate due from owner may be recovered from occupier and deducted by him from his rent.

146. If the sum due on account of any rate from the owner of any house or land remains unpaid after notice of demand has been duly served, the Commissioners may demand the amount from the occupier or any of his sub-tenants for the time being of the house or land, and on non-payment thereof, may recover the same by distress and sale of any moveable property found on the house or land, as provided in section one hundred and forty-two, and, in such case, the occupier or his sub-tenant may deduct, from the next and following payments of his rent, the amount which may be so paid by, or recovered from, him:

Provided that no arrear of rate so due shall be recovered from the occupier if it has been due for more than one year, or for a period during which the occupier was not in occupation.

Rates due from vendor may be recovered from purchaser.

147. The purchaser of any house or land for which any sum is due on account of the rate payable by the owner at the time of such purchase shall be liable for the amount due on account of such rates for any period not exceeding one year prior to the purchase.

Distress not unlawful for want of form.

148. No distress levied under this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the notice, schedule, summons,

notice of demand, warrant of distress, inventory, or other proceeding relating thereto, nor shall such party be deemed a trespasser on account of any irregularity committed by him; but all persons aggrieved by such irregularity may recover, in any court of competent jurisdiction, full satisfaction for any special damage sustained by them.

Commissioners may sue instead of proceeding by distress.

149. Instead of proceeding by distress and sale, or in case of failure to realize by distress and sale the whole or any part of the sum due in respect of any rate, the Commissioners may sue, in any court of competent jurisdiction, the person liable to pay the same.

CHAPTER VII.

OF THE WATER-SUPPLY.

Commissioners to provide water-supply.

150. The Commissioners shall provide a supply of water within all parts of Calcutta, and shall, for that purpose, cause such mains and pipes to be laid, and such tanks, reservoirs, or other works to be made and constructed as shall be necessary for the supply of filtered water in the principal public streets, and shall also erect sufficient and convenient stand-pipes or pumps for the gratuitous use of the inhabitants for domestic purposes.

Ships lying at the jetties or in the docks of the Port Commissioners shall be entitled to the gratuitous use of filtered water for domestic purposes while so lying.

Ships to be supplied with water for a voyage.

151. The Commissioners shall, on demand, be bound to supply every ship leaving the port with a reasonable quantity of filtered water for use on the voyage at such price, not exceeding five rupees for every thousand gallons, as the Commissioners in meeting may, from time to time, determine.

What are not domestic purposes.

152. A supply of water for domestic purposes shall not include a supply of water for animals, or for washing carriages where such animals or carriages are kept for sale or hire, or a supply for any trade,

manufacture, or business, or for fountains, or for watering gardens or roads, or for any ornamental or mechanical purposes.

Pressure at which water must be kept.

153. The Commissioners shall, so far as may be reasonably practicable, between the hours of six in the forenoon and eight in the afternoon, keep and maintain throughout their pipes and mains a sufficient supply of filtered water under a pressure of not less than ten feet for the domestic use of the rate-payers, and shall every day, for not less than two hours in the forenoon and one hour in the afternoon, maintain a pressure of water in the service pipes and mains sufficient to raise the water in all houses and places in which the same may be introduced within the area at present supplied to a height of not less than thirty feet, and shall test the purity of the water supplied once every week or at such intervals of time as the Commissioners in meeting may direct.

Supply for business.

154. The Commissioners may supply water through a meter, for other than domestic purposes, if the person requiring such supply make application to the Commissioners in writing, specifying the purpose for which such supply is required and the quantity likely to be consumed.

The Commissioners may thereupon, subject to such charges or rates as may have been fixed by the Commissioners in meeting, lay down, or allow to be laid down, the necessary communication-pipes and works of such dimensions and character as may be fixed by the Commissioners.

No meter shall be necessary in any case in which the applicant agrees to pay such sum per mensem for the use of the water as may be fixed by the Commissioners.

When water is supplied by the Commissioners through a meter, it shall be presumed that the quantity indicated by the meter has been consumed until the contrary is proved.

Penalty.

Any person using water supplied by the Commissioners for other than domestic purposes without the leave of the Commissioners shall be liable to a fine not exceeding Rs. 20.

Householder entitled to certain supply of water for domestic use.

155. The occupier of every house connected with the water-supply shall be entitled to have, free of further charge, three thousand gallons of filtered water for every rupee paid to the Commissioners as water-rate on account of such house, to be supplied from the service pipes of the Commissioners for domestic use, through a ferrule of the size prescribed in the Ninth Schedule. If the Commissioners have reason to believe that the occupier of any house consumes more filtered water than he is entitled to as aforesaid, it shall be lawful for the Commissioners to provide a water-meter at their own expense, and attach the same to the water-pipes of the said house; and any water which may be used over and above the quantity to which the occupier is entitled as aforesaid shall be paid for by him at the rate of one rupee for every three thousand gallons:

Provided that no charge shall be made by the Commissioners for unfiltered water supplied under the next succeeding section.

Commissioners may provide filtered or unfiltered water for latrines.

156. It shall be at the option of the Commissioners to provide filtered or unfiltered water for all latrines and water-closets; and wherever filtered water has been already supplied to such latrines or water-closets, it shall be lawful for the Commissioners, at their own expense, and not otherwise, to stop the supply of filtered water, and in lieu thereof to provide unfiltered water for such latrines and water-closets.

All latrines and water-closets to be provided with cisterns.

157. All latrines and water-closets now supplied, or hereafter to be supplied, with water filtered or unfiltered, shall be provided with a cistern of such size and description and in such position as the Commissioners shall direct; and all such cisterns shall be put up at the expense of the owner of the house or land so supplied with water.

Communication pipes to be made of required dimensions and at expense of house-holder.

158. Whenever the Commissioners shall deem it practicable and consistent with the maintenance of an efficient water-supply, they shall allow any person living in a masonry house and paying the water-rate hereinbefore mentioned to lay down commu-

nication-pipes from the service pipes of the Commissioners for the purpose of bringing into his house or land a supply of water for domestic use in accordance with the scale of ferrules prescribed under the Ninth Schedule :

If ferrule prescribed by schedule insufficient, Commissioners shall permit use of larger ferrules.

Provided that if the house is so situated that the size of the ferrule prescribed for the use of such house under such scale is insufficient to pass the daily supply of water which the occupier of such house is entitled to receive under section one hundred and fifty-five, the Commissioners shall permit the use of a ferrule of such size as shall be sufficient to pass such supply:

Commissioners may replace existing ferrule by another.

Provided also that the Commissioners may, at their own expense, replace any ferrule, used for the supply of water to any house at the time when this Act comes into force which is of larger size than the occupier of such house under such scale is entitled to use, by a ferrule of the size prescribed under such scale for the use of such house.

Provided also that the Commissioners shall be at liberty to turn off or to cut off the supply of water to any house or land during the time the said house or land is unoccupied.

The communication-pipes leading the water from the service-pipes of the Commissioners into the house of any rate-payer, and the pipes and works within the house connected therewith, shall be of such character, dimensions, and material as the Commissioners shall fix and approve ; and shall be made and constructed at the expense of the person requiring the same.

Communication-pipes, works and fittings must be made to satisfaction of the Commissioners.

159. The ferrules, communication-pipes and all fittings thereon leading water from the service pipes of the Commissioners into any house or land, and the pipes, works, and fittings inside the house or land, must in all cases be executed subject to the inspection and to the satisfaction of the Commissioners.

Such communication-pipes, works, and fittings may be made by the servants and workmen of the Commissioners upon such terms as may be agreed upon between the Commissioners and

the person requiring the supply, or subject to such charges as may be fixed by the Commissioners;

and the Commissioners may require the amount necessary for the execution of such works to be paid or deposited before such works are executed;

and such charges and expenses shall be recoverable in the same manner as the water-rate.

Power to enter premises.

160. The Commissioners may, between the hours of seven in the forenoon and five in the afternoon, enter into or on any house or land supplied with water as aforesaid in order to examine all pipes, works, and fittings connected with the supply of water, and to ascertain if there be any waste or misuse of such water;

and if the Commissioners at any such time be refused admittance into such house or land for the purposes aforesaid, or be prevented from making such examination as aforesaid, they may forthwith turn off or cut off the water from such house or land:

Provided that nothing hereinbefore contained shall authorize an entry into any room appropriated for the zenana or residence of women, which by the custom of the country is considered private, unless a notice in writing of not less than four hours be given.

When pipes are out of repair, Commissioners may cut off, or turn off water.

161. In the event of any pipes, works or fittings connected with the supply of water to any house or land being at any time found on examination by the Commissioners to be out of repair to such an extent as to cause any waste of water, the Commissioners may cause the water to be turned off or cut off from the house or land, after giving notice in writing of not less than twenty-four hours to the person in occupation thereof, and may recover the expense incurred for cutting of the water from the occupier of such house or land.

Water may be turned off or cut off on neglect to pay the rate.

162. If any person supplied with water shall neglect to pay the water-rate hereinbefore mentioned at any of the times of payment thereof, or the charge made for the said water when

supplied for other than domestic purposes, the Commissioners may cause the water to be turned off or cut off from the house or land in respect of which such rate or charge is payable, and may recover the expense from such person:

Provided that the turning off or cutting off the supply of water shall not relieve any person from any penalties or liabilities which he may otherwise have incurred.

Occupier in whose house water is wasted liable to penalty.

163. The occupier of any house or land in which water supplied by the Commissioners under this Act, is from negligence or other circumstances under the control of the said occupier, wasted, or in whose house or land the pipes, works, and fittings for the supply of water shall be found to be out of repair to such an extent as to cause any waste of water, shall be liable to a fine not exceeding Rs. 20.

Person causing waste of water liable to penalty.

164. Any person causing waste of water supplied by the Commissioners shall be liable to a fine not exceeding Rs. 5.

Commissioners at their discretion may allow person outside the town to take water.

165. It shall be within the discretion of the Commissioners to allow any person not residing within the limits of Calcutta to take or be supplied with water for his domestic use on such terms as the Commissioners in meeting may from time to time prescribe. And any person taking or causing to be taken for use outside the limits of Calcutta water supplied by the Commissioners without the permission of the Commissioners shall be liable to a fine not exceeding Rs. 50.

Penalty.

Person executing any work for laying on water must hold a license from the Commissioners.

166. It shall not be lawful for any person to execute any work in connection with the laying on of water from any service pipes of the Commissioners to any house or land or in connection with the extension of such pipes or the supply of additional fittings after such water has been laid on, unless he shall hold a license from the Commissioners authorizing him to act as a plumber under such rules and regulations as the Commissioners may from time to time lay down, and which shall

be printed on the back of his license. Any person licensed by the Commissioners as a plumber, who shall infringe or break any rules or regulations under which he holds his license, shall be liable to have his license at once cancelled by the Commissioners, and shall also be liable to a fine not exceeding Rs. 20 ;

Penalty.

and any unlicensed person executing any such work shall be liable to a fine not exceeding Rs. 50.

167. Any owner or occupier of any house or land who shall cause or allow works, pipes, or fittings for the supply of water from the service pipes of the Commissioners to be executed by any person other than a plumber licensed by the Commissioners shall be liable to a fine of Rs. 50, and the Commissioners may cut off the connection until such pipes have been removed or replaced to their satisfaction.

Penalty on owner or occupier causing work for laying on water to be executed by unlicensed plumber.

168. Before a connection for the supply of water from the service pipes of the Commissioners to any house or land is sanctioned by the Commissioners, the Engineer of the Commissioners shall cause all the works, pipes, and fittings within the said house or land to be inspected by a duly qualified officer; and the cost of such inspection shall be payable in advance at such rates as the Commissioners in meeting shall from time to time direct, by the person applying for the said connection ; and until the Engineer of the Commissioners shall have certified that the said works, pipes, and fittings have been executed and put up in a satisfactory manner, a connection with the Commissioners' service pipes shall not be permitted.

Before connection, Engineer of the Commissioners to cause all works and pipes to be inspected.

169. The connection with the service pipes of the Commissioners, as also the laying of supply pipes under any public road or thoroughfare, shall be executed in the presence of an officer of the Commissioners authorized in that behalf and in no other way.

Connection with service pipes to be executed only by an officer of the Commissioners.

170. If any licensed plumber shall execute any works or put up any fittings within any house or land for the supply of water from the pipes of the Commissioners in a careless and negligent manner, or make use of bad materials or fittings, the said licensed plumber shall be liable to a fine not exceeding Rs. 20, and upon a third conviction shall be liable to have his license cancelled at the discretion of the Commissioners.

Penalty on licensed plumber who executes works badly.

171. Any person who shall unlawfully flush, draw off, divert or take water from any water-work belonging to, or under the management or control of, the said Commissioners, or shall by any wrongful act damage such water-work or any pipe connected with it, or shall use such water-work for any purpose other than the purpose for which it has been set apart, shall be liable to a fine not exceeding Rs. 100.

Penalty on person unlawfully flushing, drawing off, diverting, or taking water.

172. The occupier of any masonry house holding direct from the owner thereof may, by notice in writing, signed by him, require the owner of such house to perform all such necessary works as may be required for bringing into such house a supply of water for domestic use.

Power to require owner to provide works for water-supply.

Every such notice shall contain an agreement on the part of such occupier to pay interest at the rate of one per cent. per mensem, calculated from the date of the completion of the works on the cost of such works during the residue of his term of occupation:

Provided that, if the house and the premises belonging thereto shall not abut upon some street in which there is a supply-main such occupier shall, in the agreement, undertake to pay the cost of connecting the house with the nearest supply-main.

173. If any owner shall not, within the space of one month from the service of such notice as is mentioned in the last preceding section, cause such necessary works as aforesaid to be completed, the occupier, who shall have given such notice, may cause the same to be completed, and may deduct from the rent

Power to occupier to make works in default of owner.

payable by him the cost of such works save so much of such cost as may be incurred in connecting with a supply-main any house and premises belonging thereto which may not abut upon a street in which there may be a supply-main; and such deduction shall be made by six equal monthly instalments.

Interest on each such instalment shall be payable to the owner by the occupier at the rate of one per cent. per mensem, from the time when it shall have been so deducted.

Power to refer to Commissioners as arbitrators.

174. In case there shall be any difference between the owner of any premises and the occupier respecting the cost or the sufficiency of the water-supply of such house, either the owner or the occupier may refer such difference to the Commissioners, and the written award of the Engineer of the Commissioners, or of any officer authorised by them in that behalf, shall be binding on the owner and the occupier.

Fee on reference.

175. There shall be payable to the Commissioners in respect of every such reference a fee at the rate of Rs. 2 for every Rs. 100 of the monthly rent of the house or land in respect of the water-supply to which the difference may have arisen :

Provided that such fee shall in no case exceed Rs. 10, and shall be paid by the person making the reference.

Owner to keep works in repair.

176. Except in the case of a special agreement to the contrary, the owner of any house or land shall bear the expense of keeping all works connected with the supply of water to such house or land in substantial repair, and if he fails to do so the occupier may himself have the repairs executed and deduct the amount expended thereon from any rent which is due from him to the owner in respect of the premises where such repairs have been executed :

Provided that nothing in this section shall affect the liabilities of parties under leases executed or made previous to the commencement of this Act.

177. Any owner to whom any sum is payable under sections one hundred and seventy-two and one hundred and seventy-three may recover such sum from the person liable to pay the same as if the same were rent payable by such person for the house in respect of which the expenses have been incurred.

Power of recovery by owner of sums payable.

178. All public tanks, reservoirs, cisterns, wells, aqueducts, conduits, tunnels, pipes, pumps, and other water-works, whether made, laid, or erected at the cost of the Commissioners or otherwise, and all bridges, buildings, engines, works, materials, and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank, shall become vested in the Commissioners.

Works erected for the reception or transmission of water vested in the Commissioners.

Water fouled by offensive trades.

179. If any person being the proprietor of any gas-works,

or being engaged or employed in the manufacture or supply of gas,

or being the occupier or owner of any place where an offensive trade or manufacture is carried on,

does any act connected with the said business whereby the water in any stream, tank, reservoir, well, cistern, conduit, aqueduct, or other water-works belonging to the Commissioners is fouled or corrupted, the Commissioners may, at any time between sunrise and sunset lay open and examine any pipes, conduits, and works belonging to such person:

and if, upon such examination, it appears that the water has been fouled or corrupted by anything proceeding from or contained in the pipes, conduits, or works examined, the Commissioners shall forthwith take all necessary measures to purify the water and put the works in efficient order, and the expenses of such examination, purification or repairs shall be paid by the person to whom such pipes, conduits, or works belong, or under whose management or control they may be;

but if it appear that the water has not been so fouled or corrupted, then such expenses, and all damages occasioned by the examination, shall be paid by the Commissioners.

180. Any sum due for water supplied by the Commissioners under a meter, or by agreement when a meter is dipensed with, may be recovered as if the same were a water-rate due under this Act.

Any sum due for water recoverable as a water-rate.

CHAPTER VIII.

OF THE REGISTRATION OF BIRTHS AND DEATHS.

181. The Commissioners shall keep in their office a register of all births and deaths in Calcutta, and for this purpose shall divide it into such and so many districts as they shall think fit, and for every such district shall appoint a person to be a registrar of births and deaths within such district; and the Commissioners shall at each registered or licensed burial and burning ground appoint a sub-registrar for the registration of all corpses brought to such burial or burning ground for interment or cremation.

Commissioners shall keep a register of births and deaths, and appoint registrars.

182. Every registrar shall dwell within the district of which he is registrar, and every sub-registrar shall dwell in the vicinity of the burial or burning ground for which he is appointed; and they shall cause their names, with the addition of registrar for the district, or sub-registrar for the burial or burning ground for which they shall be so appointed, to be placed in some conspicuous place on or near the outer door of their own dwelling houses; and the Commissioners shall cause to be printed and published a list containing the name and place of abode of every registrar and sub-registrar in the town.

Every registrar to live in his district; list of registrars to be published.

183. The Commissioners shall cause to be prepared and printed a sufficient number of register books for making entries of all births and deaths which may take place in Calcutta, according to the forms prescribed in the Tenth and Eleventh Schedules, and the pages of such books shall be numbered progressively from the beginning to the end.

Commissioners to have register books prepared and numbered.

184. Every registrar shall inform himself of every birth and of every death which shall happen in his district, and shall ascertain and register, as soon as conveniently may be after the event, without fee or reward, the particulars required to be registered according to the forms in the Tenth and Eleventh Schedules respectively touching every such birth and every such death, as the case may be, which shall not have been already registered; every such entry being made in order from the beginning to the end of the book.

Registrar to inform himself of, and register, births and deaths.

185. The father or mother of every child born in Calcutta, or in the case of the death, illness, or absence, or inability of the father and mother, the occupier of the house in which such child is born shall within eight days after the day of the birth, give information to the registrar of the district, according to the best of his or her knowledge and belief, of the several particulars by this Act required to be known and registered touching the birth of such child.

Information of birth to be given within eight days.

186. The nearest relative present at the death or in attendance during the last illness, of any person dying in Calcutta, or, in case of the death, illness, inability, absence, or default of such relative every person present at the death, or in case of their default, the occupier of the house, or if the occupier be the person who shall have died, some person living in the house in which such death shall have happened, shall forthwith give information to the registrar of the district, or sub-registrar at the burial or burning ground where the corpse of such person so dying is buried or burnt, according to the best of his knowledge and belief, of the several particulars by this Act required to be known and registered touching the death of such person:

Information of death to be given.

Provided that if any one person gives the required information all other persons are thereby released from the obligation imposed upon them by this section:

Provided also that, in lieu of the information hereinbefore stated, in the case of persons dying in any hospital in Calcutta,

it shall be the duty of the medical officer in charge forthwith to send a notice in writing to the Commissioners in the form prescribed in the Eleventh Schedule of the occurrence of any death in the hospital under his charge.

Medical man to give information as to cause of death.

187. Any medical man in attendance during the last illness of any person dying in Calcutta shall, within seven days of his becoming cognizant of the death of such person, send a notice in writing to the Commissioners as near as may be in the form prescribed in the Eleventh Schedule stating, to the best of his judgment, the cause of death.

Penalty.

188. Any person whose duty it shall be to give information under the three last preceding sections, who shall refuse or neglect to give such information, or who shall give false information, shall be liable to a fine not exceeding Rs. 20.

Person giving information to sign the register.

189. Every person by whom the information contained in any register of births or deaths under this Act shall have been given shall sign in the register his name, description, and place of abode; and no such registration shall be deemed to be complete or of any effect until such person shall have so signed it:

Provided that the registrar may fill up and sign the register for any person who is unable to write:

Provided also that the registration of death shall be deemed to be complete on receipt by the Commissioners of the written notice from the medical officer in charge of a hospital prescribed in section one hundred and eighty-six.

Corpse must be accompanied by a certificate before it is buried or burnt.

190. It shall not be lawful for any sexton or keeper of a burial or burning ground, whether situated within Calcutta or not, to bury, burn, or allow to be buried or burned, any corpse of a person who has died in Calcutta, unless such corpse is accompanied by a certificate in the form prescribed in the Eleventh Schedule, and signed by a registrar or sub-registrar appointed

under section one hundred and eighty-one, or by a medical officer:

Provided that at every burial or burning ground where there is a sub-registrar who keeps a register in the prescribed form an entry in such register shall be deemed sufficient.

Every sub-registrar shall, within twenty-four hours of registering any death under this section, forward to the registrar of the district in which the death occurred a copy of the entry made by him, and the registrar on receipt thereof shall forthwith enter the death in the district register.

Penalty.

191. Whoever buries, burns, or allows to be buried or burnt, a corpse without the certificate or entry in a register mentioned in the last preceding section shall be liable to a fine not exceeding Rs. 100.

CHAPTER IX.

OF TAKING A CENSUS.

Account of population to be taken.

192. At such times and in such manner as the Commissioners may from time to time appoint, an account shall be taken of the number of persons who at the time of taking such account shall be within Calcutta; and the persons employed in taking such account shall set down the several particulars respecting the same which are hereinafter prescribed.

Chairman or Vice-Chairman, or other person specially appointed, to superintend the taking of an account of the population.

193. The Chairman or Vice-Chairman, or any person specially appointed by the Commissioners in meeting for that purpose, shall superintend the taking of such account, and shall cause to be prepared and issued, for the use of the persons to be employed, such forms and instructions as he shall, with the sanction of the Local Government, deem necessary; and the expenses thereby incurred shall be paid by the Commissioners.

Enumeration districts.

194. Each police division of Calcutta shall be formed into one or more enumeration districts.

At the appointed time occupiers of houses shall give the required information.

195. At such times as shall be appointed under section one hundred and ninety-two, and as shall be notified in the *Calcutta Gazette* by the Local Government, every occupier of a dwelling-house, or of any part of a dwelling-house distinctly occupied, and every person to whom a form as mentioned in section one hundred and ninety-seven may have been delivered, shall afford such information in regard to all persons who were abiding in his house, or in the place under his charge, on the night immediately preceding the day appointed for the return of the form, and in such manner as may under this Act be required of them.

Persons to be employed as enumerators.

196. The Chairman, or the person appointed under section one hundred and ninety-three, shall select a sufficient number of competent persons to act as enumerators; and every such enumerator, under the direction of the Chairman, shall visit every house within his district, and, except as hereinafter provided, shall take an account in writing of the name, sex, age, caste, nationality, and occupation of every living person who shall abide therein on the night immediately preceding the day appointed as aforesaid, and shall also take an account of the occupied houses, and the houses then being built and therefore uninhabited, and also of all other uninhabited houses within his district, and in all respects conform to, and obey, the instructions which may be issued to him by the Chairman in this behalf:

Provided that no female shall be required to disclose her name or age.

Forms for census.

197. The Chairman, or the person appointed as aforesaid, when he deems such a course to be advisable, may cause such a form as shall be sanctioned by the Commissioners in meeting, subject to the approval of the Local Government, to be delivered to any occupier of any dwelling-house who may be able to write; and such

occupier shall fill in all the particulars required in the form on the day to be appointed, and shall deliver the same to the person authorized to demand the same.

Military and naval officers and certain others, if required, to act as enumerators.

198. Any military or naval officers in command of bodies of military or naval men, or of vessels of war, or any master of a merchant vessel, or nacodah, or tindal of a vessel or boat, or any person in charge of a lunatic asylum, hospital, or prison, or of any public or private charitable or scholastic institution, or any keepers of hotels or lodging-houses shall, if required, act as enumerators for the purpose of taking account of persons under their command or charge, or abiding in their houses, on the night immediately preceding the day to be appointed.

Penalty.

199. Whoever, being required under section one hundred and ninety-seven to fill in any form, or under section one hundred and ninety-eight to act as an enumerator, fails to do so, shall be liable to a fine not exceeding Rs. 100 for every such offence.

Every person so required to act as an enumerator shall receive and conform to all instructions in writing which may be issued to him by the Chairman, or the person appointed as aforesaid in that behalf.

Returns of houseless persons.

200. The Chairman, or the person appointed as aforesaid, shall obtain, by such ways and means as shall appear to him best adapted for the purpose, and as shall be sanctioned by the Commissioners in meeting, returns of the particulars required by this Act with respect to all houseless persons and all persons who, during the said night immediately preceding the day to be appointed, were on out-door night duty, or for any other reason were not abiding in any house of which account is to be taken by the enumerators.

Enumerators to fill in for those unable to write.

201. The enumerators shall fill in all forms for those persons who are unable to write.

CHAPTER X.

OF STREETS AND BUILDING REGULATIONS.

PART I.—*Of the Streets.*

Public streets vested in the Commissioners.

202. All public streets in Calcutta (not being the property and kept under the control of the Government or the Commissioners for making improvements in the Port of Calcutta) and the pavements, stones, and other materials thereof, and also all erections, materials, implements, and other things provided for such streets, shall vest in, and belong to, the Commissioners.

Power to make and improve streets.

203. The Commissioners, making due compensation to the owners and occupiers of any houses or land which may be required for, or in connection with, any such purposes, may—

(*a*) lay out and make new streets;

(*b*) build and construct new bridges and sub-ways;

(*c*) turn, divert, discontinue, or permanently or temporarily close any public street or part of a public street; and

(*d*) widen, open, enlarge, or otherwise improve any such street.

Power to acquire premises for improvement of public streets.

204. The Commissioners in meeting may—

(*a*) acquire any land required for the purpose of opening, widening, extending, or otherwise improving any public street, or of making any new public street, and the buildings, if any, standing upon such land;

(*b*) acquire, in addition to the said land and the buildings, if any, standing thereupon, all such land with the buildings, if any, standing thereupon, as it shall seem expedient for the Commissioners to acquire outside of the regular line of such street, provided that, without the special sanction of the Local Government, not more than one hundred feet shall be acquired on either side of the regular line of the street;

(c) lease or sell or otherwise dispose of any land or building purchased under clause (b).

Any re-conveyance of land or of a building under clause (c) may comprise such conditions as the Commissioners think fit as to the removal of the existing building, the description of new building to be erected, the period within which such new building shall be completed, and other such matters.

Power to dispose of so much of a permanently closed street as is not required.

205. When any public street is permanently closed under section two hundred and three the Commissioners may dispose of the site of so much of the roadway and footpath as is no longer required, making due compensation to any person injured by the closing of the road and the sale of the site. And if any dispute shall arise respecting the amount or apportionment of such compensation, it shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses:

Provided that, in determining such compensation, the Court shall make allowance for any benefit conferred on the same premises or any adjacent premises belonging to the same owner by the construction or improvement of any other public street, at or about the same time that the public street, on account of which the compensation is paid, is closed.

Power to prescribe the regular line of public streets.

206. The Commissioners may prescribe a line on each side of any public street within which no portion of any building abutting on the said street shall, after such line has been prescribed, be constructed without the express sanction of the Commissioners.

A line so prescribed shall be called the regular line of a public street.

Power to set back buildings to the regular line of the street.

207. When any house, any part of which projects beyond the regular line of a public street, or beyond the front of the house on either side thereof, has fallen down, or been burnt down, or been taken down in order to be rebuilt or altered, or such portion

thereof as projects beyond the regular line of the street has fallen down, been burnt down, or been taken down, the Commissioners may require the same to be set back to or towards the regular line of the street, or the line of the adjoining houses:

Compensation to owner for direct damage sustained.

Provided that the Commissioners shall make full compensation thereof to the owner of any such house for any direct damage he may thereby sustain, and if any dispute shall arise respecting the amount of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

Meaning of "direct damage."

By 'direct' damage is meant the market-value of the land taken, and the depreciation, if any, in the ordinary market-value of the rest of the land owing to the area being reduced in size, but it shall not include damage due to any particular use to which the owner may allege that he intended to put the ground, but which the reduction of the site may injuriously affect.

Projected public street.

208. The Commissioners may, from time to time, prepare plans of proposed public streets showing the alignment of such streets, the intended regular line on each side of them, and such other details as may appear desirable; and after such plans have been approved of by the Commissioners in meeting, such streets shall be deemed to be projected public streets, and the provisions of section two hundred and seven shall apply to all houses which may fall down, be burnt down, or may be taken down in order to be rebuilt or altered, so far as they shall fall within the regular lines of the projected public street.

Houses may be set forward for improving lines of public streets.

209. The Commissioners may, upon such terms as they shall think fit, allow any house to be set forward for improving the line of any public street in which such house is situated.

Maintenance and repair of streets.

210. The Commissioners shall cause the public streets to be maintained and repaired, and for such purpose may do all things necessary for the public safety and convenience.

211. The Commissioners shall, so far as they may deem requisite for the public convenience, cause the chief public streets to be watered: and for that purpose may provide such works and engines as they may think necessary.

Watering streets.

212. Whoever builds any wall, or without the consent of the Commissioners erects or sets up any fence, rail, post, or other obstruction, projection, or encroachment in any public street, or in or over any drain, sewer, or aqueduct, shall be liable to a fine not exceeding Rs. 100, and the Commissioners shall have power to remove any such obstruction, projection or encroachment whether they prosecute the offender or not, and the expense of such removal shall be paid by the person erecting the same, and shall be recoverable as hereinafter provided.

Penalty for making obstruction in public streets.

Nothing herein contained shall prevent the Commissioners from allowing any temporary erections in any public street on occasions of festivals and ceremonies, or for building purposes.

Temporary erections on occasions of festivals and ceremonies.

213. Every person who wishes to make or lay out any new street shall give notice in writing thereof to the Commissioners, showing the intended level and width of such street, the arrangements made for draining it, and the level and width of every such street and the drainage arrangements shall be subject to approval by the Commissioners.

Private persons making a new street.

On receipt of such application the Commissioners shall, within thirty days, either sanction the making of such new street, or disallow it, or ask for further information with respect to it. If further information is asked for, no steps shall be taken to construct the street until orders have been passed upon receipt of such information.

214. Whoever lays out, makes, or builds upon any such street, otherwise than in accordance with the level, width and drainage arrangements fixed or approved by the Commissioners, shall be liable to a fine not exceeding Rs. 500.

Penalty.

215. If any street or any part thereof be not levelled, paved, metalled, flagged, channelled, and sewered to the satisfaction of the Commissioners, they may, by notice in writing to the respective owners or occupiers of the land fronting, adjoining, or abutting upon such parts thereof as may need to be levelled, paved, metalled, flagged, channelled, and sewered, require them to level, metal, pave, flag, channel, and sewer the same within a time to be specified in such notice; and upon non-compliance, the Commissioners may, if they think fit, execute the works mentioned or referred to therein;

Levelling, paving, metalling, flagging, channelling, and sewering of streets.

and the expenses thereby incurred shall be paid by the owners in default according to the frontage of their respective lands, and in such proportion as shall be settled by the Commissioners or, in case of dispute, as shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses:

Provided that, after such street shall have been so levelled, paved, metalled, flagged, channelled, and sewered on the requisition of the Commissioners, or by the Commissioners as aforesaid, at the expense of the owners, such owners shall have a right to require that the street shall be declared a public street, to be from time to time repaired by the Commissioners out of the General Fund.

216. If any street be levelled, paved, metalled, flagged, channelled, and sewered, to the satisfaction of the Commissioners, they may, if they think fit, and if three-fourths of the owners of houses in such street signify in writing their consent thereto, by notice in writing put up in any part of such street, declare the same to be a public street, and thereupon the same shall become a public street, and be from time to time repaired by the Commissioners out of the General Fund.

Certain streets to be deemed public and repaired by the Commissioners.

Nothing in this section shall preclude the Commissioners in meeting from taking possession of any street with the consent

of the owner or owners thereof, and thereafter such street shall become a public street.

Names of public streets.

217. The Commissioners shall, from time to time, cause to be put up or painted on a conspicuous part of some house, wall, or place, at or near each end, corner, or entrance of every public street, such name as the Commissioners in meeting may, from time to time, determine as the name by which such street is to be known; and whoever destroys, pulls down, or defaces any such name, or puts up any name different from that put up by order of the Commissioners, shall be liable to a fine not exceeding Rs. 20.

Penalty.

Numbers on houses.

Penalty.

218. The Commissioners may from time to time cause to be fixed a number in a conspicuous place on the outside of any house or at the entrance of the enclosure thereof; and whoever destroys, pulls down, or defaces any such number shall be liable to a fine not exceeding Rs. 20.

When a number has been fixed on a house under this section, the occupier, or if there is no occupier the owner, shall be liable to maintain such number or replace it if removed or defaced; and if a number is replaced by the Commissioners, they may recover the cost of replacing it from the person liable to replace it in the manner prescribed in Chapter VI for the recovery of rates.

Doors not to open outwards.

219. All doors, gates, bars, and ground-floor windows which open upon any public street shall be hung or placed so as not to open outwards in a manner likely, in the opinion of the Commissioners, to cause obstruction;

and if any such door, gate, bar, or window be hung or placed so as to open outwards on any such public street, the owner of the house or land to which the same is attached shall, within fifteen days after notice from the Commissioners to that effect, cause the same to be altered so as not to open outwards; and if he neglects so to do, the Commissioners may cause such alteration

to be made, and the expenses thereby incurred shall be paid by such owner:

Provided that nothing in this section shall be held to apply to house shutters so constructed as to fold flat to the wall, whether opening to the ground or not.

Gutters and pipes to be fixed to houses.

220. The owner of every house in any public street shall, within fifteen days after notice from the Commissioners, put up and keep in good condition proper gutters and pipes for catching and carrying the water from the roof and other parts of such house, and for discharging the same in such manner as the Commissioners shall direct; and in default of compliance with such notice within the period aforesaid, such owner shall be liable to a fine not exceeding Rs. 10 for every day that he shall so make default.

Penalty.

Projections erected in future from houses to be removed.

221. The Commissioners may give notice in writing to the owner or occupier of any house to remove or alter any projection, encroachment, or obstruction which shall hereafter be erected or placed against such house or on, or over, any public street, or which has been so erected or placed subsequent to the first day of June in the year one thousand eight hundred and sixty-three, and such owner or occupier shall, within fifteen days after the service of such notice upon him, remove such projection, encroachment, or obstruction, or alter the same in such manner as shall have been directed by the Commissioners, and in default thereof shall be liable to a fine not exceeding Rs. 200; and the Commissioners in such case may, whether they prosecute the offender or not, cause such projection, encroachment or obstruction, to be removed, and the expense of such removal shall be paid by the owner or occupier so making default, and shall be recoverable as hereinafter provided:

Provided that, when the expense shall have been paid by the occupier, except in the case in which such projections, encroachments, or obstructions were made or put up by him, such occupier shall be entitled to deduct the expense of removing or altering the same from the rent payable by him to the owner of the house.

222. The Commissioners may cause any projection, encroachment, or obstruction erected or placed against, on or over any house in any public street previous to the first day of June in the year one thousand eight hundred and sixty-three, to be removed or altered as they think fit; provided that they give notice of such intended removal or alteration to the occupier of the house against, or in front of which, such projection, encroachment, or obstruction shall be, thirty days before such alteration or removal is begun; and if such projection, encroachment, or obstruction shall have been lawfully made, they shall make reasonable compensation to every person who suffers damage by such removal or alteration; and if any dispute shall arise touching the right of any person to compensation when the right thereto is disputed and the amount thereof, or touching the amount of such compensation when the right thereto, is admitted, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

Removal of existing projections from houses.

Notice of removal.

Compensation when to be made.

223. The Commissioners may give permission in writing, on such conditions as they think fit, to the owners or occupiers of houses abutting on any public street to put up verandahs, balconies, sunshades, weather-frames, and the like, to project from any upper story thereof over any public street, and on breach of any such condition the Commissioners may give the owner or occupier notice to comply with such condition within fifteen days, and if he fails to comply, it shall be lawful for the Commissioners to enter upon the premises and remove any projection put up in breach of any condition specified in the notice.

Commissioners may allow certain projections from houses.

224. The external roofs and walls of huts or other buildings erected or renewed within Calcutta after the commencement of this Act, shall not be made of grass, leaves, mats, or other such inflammable materials; and it shall not be lawful for the owner of any hut or other building in or near any street (public or otherwise) now having an external roof or wall made of any such

Roofs and external walls of huts not to be made of inflammable materials.

material, and which is contiguous to, or adjoining, any other building, to suffer such roof or wall to remain after the commencement of this Act, unless with the consent in writing of the Commissioners, and whoever makes any external roof or wall of such materials, or suffers any roof or wall made of such materials to continue contrary to the provisions herein contained, and who shall not remove or alter the same within one month after notice in writing from the Commissioners, shall be liable to a fine not exceeding Rs. 10 for every day that such roof or wall shall be maintained.

Penalty.

Nothing in this section shall ordinarily apply to garden huts, orchid houses, ferneries or similar erections within compounds:

Provided that if in any particular case the Commissioners consider any such erection dangerous they may require the same to be removed or altered, and thereupon the provisions of this section shall apply:

Provided also that this section shall not apply to the area by this Act added to Calcutta, or to any area hereafter included in it under section four hundred and fifty-eight until it shall have been specially extended to the whole or any portion thereof by a resolution passed by the Commissioners in meeting.

Commissioners may direct hedges to be trimmed.

225. The Commissioners may give notice to the owner or occupier of any house or land to trim or prune the hedges thereof bordering on any public street to a height not exceeding seven feet;

or to cut and trim trees overhanging any public street, and obstructing the same or causing damage thereto;

and if such notice is not complied with within three days from the date thereof, the Commissioners may cause such hedges and trees to be cut in the manner required, and the expenses thereby incurred shall be paid by the owner of the house or land.

Commissioners breaking up street to restore the same with all convenient speed.

226. When the pavement or surface of any public street, or when any sewer or drain shall be opened or broken up by the Commissioners, they shall, with all convenient speed, complete

the work on account of which the same shall have been broken up, and fill in the ground, and make good the pavement and surface, and the sewer or drain so opened or broken up, and carry away the rubbish occasioned thereby; and shall in the meantime cause the place where such pavement or surface shall be so opened or broken up to be fenced and guarded and sufficiently lighted during the night.

Situation of gas and water-pipes may be altered by Commissioners.

227. If the Commissioners deem it necessary for the purposes of this Act to raise, sink, or otherwise alter the situation of any water-pipe, or gas-pipe or other water-works or gas-works laid in any street (public or otherwise), they may, from time to time by notice in writing, require the person to whom any such pipes or works belong, or under whose control they may be, to cause forthwith, or as soon as conveniently may be, any such pipes or works to be raised, sunk, or otherwise altered in position in such manner as the Commissioners direct.

Alteration not to permanently injure works, and to be done at Commissioners' expense.

Such alteration shall not be such as permanently to injure such works, or to prevent the water or gas from flowing as freely and conveniently as before; and the expenses attending such raising, sinking, or altering, and full compensation for the damage done thereby, shall be paid by the Commissioners as well to the persons to whom such pipes or works belong as to all other persons.

Settlement of disputes.

And if any dispute shall arise touching the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

Upon neglect to make alterations, Commissioners may cause the same to be made.

228. If the person to whom any such pipes or works as are mentioned in the last preceding section belong, or under whose control they may be, do not proceed forthwith, or as soon as conveniently may be after the receipt of the notice mentioned in the last preceding section, to cause the same to be raised, sunk, or altered in such manner as the Commissioners require, the Commissioners may themselves cause such pipes or works to be raised,

sunk, or altered as they may think fit, provided that such works be not permanently injured thereby, or the water or gas prevented from flowing as freely and conveniently as before.

No one to deposit materials or make holes in a public street.

229. No person shall deposit any building materials or make a hole in any public street without the permission of the Commissioners in writing; and when such permission is granted to any person, he shall, at his own expense, cause such materials or such hole to be sufficiently fenced and enclosed, until the materials are removed or the hole is filled up and otherwise made secure; and shall cause the same to be sufficiently lighted at night, and if he neglect to sufficiently fence or light the same, and any damage or injury arises, he shall be liable to the Commissioners for any expense which they may incur by reason of such neglect.

Penalty.

230. Whoever deposits materials or makes a hole without such permission, or encloses more of the public street than the Commissioners have permitted him to enclose or fails to fence or enclose and light such materials or hole, or does not remove such materials or fill up such hole when the permission has lapsed or been withdrawn, shall be liable to a fine not exceeding Rs. 50, and to a further fine not exceeding Rs. 50 for each day during which the offence is continued after he has been convicted of such offence.

The Commissioners may cause any such hole to be filled up, and may cause any such materials to be removed, and may detain them until the expenses connected with such removal shall have been paid.

Dangerous places near streets to be repaired or enclosed.

231. If any building, tank, well, or hole, or other place be, for want of sufficient repair, protection, or enclosure, dangerous to passengers or to persons living in the neighbourhood, the Commissioners may, by notice in writing, require the owner of the land to repair, protect, or enclose the same; and if he fails to comply with such requisition during eight days from the service thereof, the Commissioners shall cause the same to be repaired, protected, or enclosed, so as to prevent danger therefrom;

and the expenses thereby incurred shall be paid by the owner of the property so repaired, protected, or enclosed.

Penalty.

232. Whoever, being an owner of land, fails to comply with the requisition mentioned in the last preceding section, shall be liable to a fine not exceeding Rs. 200, and to a further fine, not exceeding Rs. 50 for every day during which the offence is continued after he has been convicted of such offence.

PART II.—*Of Building Regulations regarding Houses.*

House in a ruinous and dangerous state.

233. If any building, or anything affixed thereon, be deemed by the Commissioners to be in a ruinous state, or likely to fall or to be in any way dangerous, they shall immediately, if it appears to them to be necessary, cause a proper hoard or fence to be put up for the protection of passengers, and shall cause notice in writing to be given to the owner, if he be known and resident in Calcutta, and shall also cause such notice to be put on some conspicuous part of such building, or otherwise to be given to the occupier thereof (if any), requiring such owner or occupier forthwith to take down, repair, or secure, such building, or thing, affixed thereon, as the case shall require.

If owner does not take house down, Commissioners may do so.

If such owner or occupier does not commence to take down, repair, or secure the same within three days after such notice, or fails to complete such work with due diligence, the Commissioners shall cause all or so much of such building, or thing as they shall think necessary, to be taken down, repaired, or otherwise secured, and the expenses thereby incurred shall be paid by the owner.

The provisions of section two hundred and seven and two hundred and eight shall apply to houses taken down or repaired under the provisions of this section.

Sale of materials of ruinous houses.

234. If any building, or any part of the same, be taken down under the provisions of the last preceding section, the Commissioners may sell the materials thereof, or so much of the same as shall be taken down, and apply the proceeds of such sale in

payment of the expenses incurred, and shall, on demand, restore to the owner any surplus arising from such sale.

The Commissioners shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale as by this Act are given to them for compelling the payment of the whole of the said expenses.

Plan of site to be submitted before beginning to build a house.

235. Before beginning to build any new house or to convert any hut or any temporary structure into a house, the person intending so to do shall obtain the sanction of the Commissioners to the site on which he proposes to build. With this object he shall submit a plan drawn to the scale of forty feet to the inch, showing the position of the house with reference to—

(*a*) some existing public street; or

(*b*) some projected public street approved of by the Commissioners in meeting under section two hundred and eight; or

(*c*) some existing private street; or

(*d*) some proposed private street which it is intended to construct under section two hundred and thirteen.

Such plan shall also show the position and approximate height of all other masonry houses within forty feet of the proposed site:

Provided that, for special reasons, the Commissioners may sanction any site without reference to its position in relation to any public or private street.

Commissioners within thirty days to signify approval or disapproval of such plan.

On receipt of such plan, the Commissioners shall, within thirty days, signify in writing their approval of such site, or their disapproval thereof as not being a proper site with reference to—

(*a*) the street shown in such plan; or

(*b*) any other street or projected street on which it will abut; or

(*c*) the position of the adjacent buildings.

If the street shown in the plan is a proposed private street, the Commissioners may at their discretion decline to approve of the site till such private street is commenced or completed:

Provided that where any site is disapproved by reason of its falling wholly or in part within the lines of any projected public street, the owner of such site shall be entitled to reasonable compensation, if the site or the portion thereof that falls within such lines be not acquired by the Commissioners in meeting under section two hundred and four within one year after the date of such disapproval.

Compensation when to be made.

Until the approval of the site is signified in writing, the house shall not be constructed.

236. Before beginning to build any new house on a site approved of under the last preceding section, or to rebuild or materially alter the structure of any house, the person intending so to do shall make an application to the Commissioners in a printed form to be prepared by them for this purpose (for which no charge shall be made), setting forth the description of the building, the purposes for which it is intended, its dimensions, such plan of the building as the form may specify, and such other details as may be deemed requisite to enable the Commissioners to pass orders on such application.

Application in a certain form to be made before beginning to build or rebuild.

237. On receipt of such application the Commissioners shall within thirty days, by a written order, either sanction the building of the new house, or for any one or more of the reasons set forth in the next succeeding section disallow it, or call for further information, on all or any of the following details :—

Within thirty days after receipt of application Commissioners to sanction or disallow buildings ; or for specified reasons to call for further information.

(*a*). Plans and sections of every floor of the intended building which shall be drawn to a scale of not less than one inch to every eight feet, and shall show the position, form, and dimensions of the several parts of such building and of every water-closet, privy, urinal,

cesspool, well, and other appurtenance, and in the case of a building intended as a dwelling-house for two or more families, or for carrying on any trade or business in which a number of people, exceeding twenty, may be employed, or as a public resort, the means of ingress and egress.

(*b*). A description in writing of the materials of which it is intended that the building shall be constructed, of the thickness of the walls and roof, and of the intended mode of drainage, means of water-supply, and means of ventilation, and if the building is to adjoin or abut on a street, the intended means of access from such street.

(*c*). The width and level of the street, if any, in front, and of the street, if any, at the rear of such building, the levels of the foundations and lowest floor of such building, and of any yard or ground belonging thereto.

(*d*). A plan showing the intended line of drainage of such building, and of the intended size, depth and inclination of such drain, and of the details of the arrangements proposed for the ventilation of the drains.

If such requisition be not complied with, the application made under section two hundred and thirty-six shall be deemed to have been cancelled.

The Commissioners may decline to accept any plan, section, or description as sufficient for the purposes of this section, which does not bear the signature of a competent builder or surveyor in token of its having been prepared by such builder or surveyor.

Within thirty days from receipt of details Commissioners to pass orders with regard to proposed building.

238. Within thirty days after the receipt of the details, required to be given under the last preceding section, the Commissioners shall pass orders in writing, either approving of the proposed buildings or disapproving thereof for any of the following reasons :—

(*a*) that it will be unsafe ; or

(*b*) that it encroaches upon or over municipal land; or

(*c*) that its construction contravenes some specified provision of this Act; or some specified bye-law made under this Act.

If the Commissioners disapprove of the building for any of the above reasons, it shall not be proceeded with till such modifications have been made as to satisfy the requirements of the Commissioners.

Ground plan and application may be submitted together.

239. Nothing in sections two hundred and thirty-five and two hundred and thirty-six shall be deemed to preclude any person intending to build a new house from sending in simultaneously the ground plan required by section two hundred and thirty-five and the application required by section two hundred and thirty-six as also at his discretion all or any of the plans and details specified in section two hundred and thirty-seven:

Provided that the period of thirty days after the receipt of the application shall not commence to run till the site has been approved of. If the proposed work be not commenced within one year after the date of approval, it shall not be commenced without a fresh application being submitted under the provisions of section two hundred and thirty-six.

Power to demolish a building commenced without submission of a ground plan or without the site being approved.

240. If any building such as is referred to in section two hundred and thirty-five be commenced without sending in the ground plan required by that section, or after such ground plan has been sent in, before the site has been approved of by the Commissioners, the Commissioners may cause such house, or so much of it as has been constructed, to be demolished.

Power to demolish or alter a building for failure to comply with sections two hundred and thirty-six or two hundred and thirty-seven.

241. If any building or alteration such as is referred to in section two hundred and thirty-six be commenced without the application required by that section being sent to the Commissioners, or before the expiration of the thirty days or of any subsequent period of thirty days prescribed by section two hundred and thirty-seven,

or otherwise than in accordance with the information furnished in *the application* or in *the further details* and *plans* subsequently called for, or in contravention of any lawful orders issued by the Commissioners under section two hundred and thirty-eight, the Commissioners may cause such work as has been done to be demolished or altered in such manner as they may think fit, and the expenses thereby incurred shall be paid by the person failing to comply with the requirements of the Act.

Penalty.

242. The Commissioners may, in addition to, or in lieu of, exercising the powers conferred on them by section two hundred and forty and the last preceding section, prosecute any person who shall build a new house without sending in the ground plan required by section two hundred and thirty-five, or who shall build or re-build or materially alter the structure of any house without making the application required by section two hundred and thirty-six, and such person shall, on conviction, be liable to a fine not exceeding Rs. 100 and to a further fine not exceeding Rs. 20 for every day during which the offence is continued after he has been convicted of such offence.

Provisions applicable to buildings constructed under section two hundred and thirty-six.

243. The following provisions shall apply to buildings which it is proposed to construct under section two hundred and thirty-six:—

(*a*). The levels and width of foundation shall be such as the Commissioners consider satisfactory.

(*b*). No house shall be built upon a lower level than will allow of the drainage of such house or building being led into some public sewer then existing or projected, or into some tidal river into which the Commissioners are empowered to empty their sewers.

(*c*). The plinth of such building shall be at least two feet above the centre of the nearest street.

(*d*). The building shall not be erected over any sewer or drain belonging to the Commissioners without their written consent.

(e). Every privy shall be so situated and so constructed as not to be a nuisance to the neighbours or dangerous to the health of the inmates.

(f). Every building shall be provided with adequate ventilation.

(g). No building shall cover a greater portion of the ground belonging to the owner of it and forming part of the same or adjacent premises, than is consistent with the free circulation of air, supposing the owners of contiguous lands to cover their land with buildings to the same extent.

If Commissioners fail to pass orders within thirty days, person may build or re-build house.

244. If the Commissioners fail to pass orders within thirty days, as required by sections two hundred and thirty-seven and two hundred and thirty-eight, the person making such application may, notwithstanding anything hereinbefore contained, proceed to build or re-build the house.

Hoards to be set up during repairs.

245. Every person intending to build or take down any house or to alter or repair the outward part of any house, where any public street will be obstructed or rendered inconvenient by means of such work shall, before beginning the same, cause sufficient boards or fences to be put up, in order to separate the house where such works are being carried on from the street, and shall keep such hoard or fence standing and in good condition, to the satisfaction of the Commissioners, during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted :

Provided that no person shall put up a hoard or fence without the written permission of the Commissioners, and shall not keep up such hoard or fence for a time longer than that specified in such written permission.

Penalty.

246. Every person who begins to build, or to take down, or alter, or repair any house contrary to the provisions of the last preceding section, or who, without a license, erects or sets up any hoard, scaffolding

or fence whatsoever, or who, having obtained permission, fails to put up such fence or hoard, or to maintain the same standing and in good condition, or who does not, while such hoard or fence is standing, keep the same sufficiently lighted, or who does not remove the same when the time specified in the permission has elapsed, shall be liable to a fine not exceeding Rs. 50 for every such offence, and to a further fine not exceeding Rs. 20 for each day during which the offence is continued after he has been convicted of such offence.

PART III.—*Of Building Regulations regarding Huts and Bustees.*

Notice in prescribed form to be given before building a hut.

247. Before beginning to build, re-build or add to any hut, the person intending so to do shall make an application to that effect to the Commissioners in a form to be provided by them (for which no charge shall be made). Such form shall require a ground plan of the hut drawn to the scale of eight feet to the inch and such other details as the Commissioners may prescribe. On receipt of such application, the Commissioners shall, within fourteen days, express their approval of the proposed work, or disapproval on any one or more of the following grounds:—

(*a*). That the site is ill-chosen with reference to adjacent huts or with reference to any present or proposed roads.

(*b*). That the ventilation will be defective.

(*c*). That the arrangements for scavenging or drainage are defective.

(*d*). That the hut will be within thirty feet of a tank.

(*e*). That the hut will be on the site of a tank which has been so recently filled up as to be prejudicial to the health of a person dwelling in it.

(*f*). That the plinth is not two feet above the level of the centre of the nearest street.

(*g*). That the erection of the proposed hut will infringe some specified bye-law made under this Act.

If the proposal is approved the hut may be built, re-built or added to at any time within six months after the date of sanction. If

it is disapproved on any of the grounds above stated, the work shall not be commenced till such modifications have been made in the plan of the proposed hut as the Commissioners may deem necessary.

Power to demolish hut built without sanction.

248. If any hut be built, re-built, or added to without making such application to the Commissioners as is required by the last preceding section, or before the approval of the Commissioners has been obtained under that section, the Commissioners may cause such hut or so much of it as has been constructed to be demolished or altered in such manner as they may prescribe; and the expenses of such demolition or alteration shall be paid by the person failing to comply with the provisions of this Act.

Penalty.

249. The Commissioners may, in addition to, or in lieu of, exercising the powers conferred on them by the last preceding section prosecute any person who builds, re-builds, or adds to any hut in contravention of the provisions of section two hundred and forty-seven, and such person shall be liable to a fine not exceeding Rs. 100 for any such offence, and to a further fine not exceeding Rs. 20 for every day during which the offence is continued after he has been convicted of such offence.

If Commissioners fail to pass orders, the person making application may proceed to build or re-build the house.

250. If the Commissioners fail to pass orders within fourteen days as required by section two hundred and forty-seven, the person making such application may, notwithstanding anything hereinbefore contained, proceed to build or re-build the house.

Powers of Commissioners with respect to bustees.

251. The Commissioners may define the external limits of any bustee, and may from time to time modify such limits; and for the purposes of this Act, land comprised within such limits shall be deemed to be a bustee:

Provided that every bustee shall consist of one or more complete plots of bustee land, separately numbered as such in the assessment book, and no plot bearing only one number shall be divided so as to fall within the limits of separate bustees. The existence

of one or more houses with the land attached thereto, within the limits defined as above, shall be no bar to the bustee lands within such limits being seemed to be a bustee :

Provided also that the Commissioners shall have no power under this Part of exercising any control over suchhouses and land attached, except by acquiring the whole or any portion of them by purchase or in the manner provided by Chapter XIII, Part II.

Commissioners may call upon bustee owners to furnish a standard plan.

252. The Commissioners may at any time serve a notice upon the owners of a bustee, calling on them to prepare a joint plan thereof to the scale of forty feet to the inch showing the manner in which such bustee should be laid out with the huts standing in regular lines and with a free passage in front of and behind each line, of such width as may be necessary for ventilation and for scavenging. The plan shall also show the proposed drains of the bustee, the water-supply, bathing arrangements (if any) and the privy accommodation to be provided for the use of the tenants, the roads which are to be maintained for their benefit, the land, if any, which is to be kept as common land, the tanks which are to be filled up or conserved, and any other proposed improvements.

Plan finally approved by Commissioners to be taken as standard plan.

Such plan, when prepared as above, shall be considered by the Commissioners, and such modifications shall be made therein as the Commissioners shall require. After any plan has been finally approved of by the Commissioners, it shall be taken as the standard plan of the bustee. If any land within the limits of a bustee is not bustee land, the standard plan shall be so prepared as clearly to distinguish it from the bustee land.

When a call has been made on the owners of the bustee to prepare a joint plan under this section, no hut shall be built, re-built, or added to within the bustee till a standard plan has been prepared.

Commissioners, under certain circumstances, may prepare a standard plan.

253. If the owners of a bustee cannot agree among themselves in the preparation of a joint plan, or if they for any reason prefer to have a joint plan prepared for them by the Commissioners, or if they fail to comply with the notice

to submit a joint plan within the space of sixty days, the Commissioners shall, within a further period of sixty days, themselves prepare a plan to the scale and in the manner prescribed in the last preceding section for which they may charge the owners at such rate not exceeding Rs. 3 per bigha as the Commissioners in meeting may fix. The cost of preparing such plan may be recovered as a rate under this Act.

Objections to Commissioners' plan to be entertained.

254. When a plan has been prepared by the Commissioners under the last preceding section, they shall fix a day for the hearing of objections on the part of the owners; and may at their discretion modify the plan in accordance with any objections made. When the objections have been disallowed, or when the plan has been modified in conformity with any objections raised, it shall be approved of by the Commissioners, and shall thereafter be taken as the standard plan of the bustee.

Commissioners may require huts to be built in conformity with the standard plan.

255. When a standard plan has been prepared for any bustee under sections two hundred and fifty-two or two hundred and fifty-four, no hut shall be built, re-built, or added to in such bustee, unless the hut or the portion to be added occupies a site, or portion of a site marked as the site for a hut in the standard plan. The Commissioners may, at any time by paying compensation to the owner of any hut not in conformity with the standard plan, require him to take down his hut and, re-build it in conformity with such plan. Such compensation shall, in the event of dispute, be determined in the manner provided in this Act for the settlement of disputes respecting damages and expenses.

The Commissioners may at any time serve a notice upon the owners of any bustee, calling upon them to construct the roads, privies, drains, and other details shown in the standard plan of any bustee, so far as may be practicable in the existing arrangement of the huts, and if any tank is shown as to be filled up or improved, may call upon the owner to fill up or improve such tank. Till such notice is complied with, the Commissioners may refuse to sanction the building or re-building of any hut in the bustee, or any addition to any existing hut.

Remodelled bustees.

256. When a bustee has been brought into conformity with a standard plan which has been prepared for it, it shall be deemed to be a remodelled bustee.

Report by medical officers on unhealthy bustees.

257. When it appears to the Commissioners in meeting that any bustee is, by reason of the manner in which the huts are crowded together, or for any other reason, in such an unhealthy condition that the procedure provided by sections two hundred and fifty-two to two hundred and fifty-six will be too dilatory for improving such bustee, they may cause it to be inspected by two medical officers who shall make a report in writing on the sanitary condition of the said bustee.

Such report shall be accompanied by a plan which shall be approved of by the medical officers as a proper standard plan of the bustee, and they shall certify which of the changes necessary to bring the bustee into conformity with the proposed standard plan should be taken in hand forthwith, in consequence of the unhealthy condition of the bustee, and which can await the procedure prescribed in sections two hundred and fifty-two to two hundred and fifty-six. The former changes shall be shown in a Schedule attached to the report to be called Schedule A; and this Schedule shall clearly indicate the huts which should wholly or in part be removed, the roads and drains which should be constructed, the tanks or low lands which should be filled up, and any other works necessary to remove or abate the unhealthy condition of the bustee. If for the purpose of making such roads or effecting any other improvement, it is necessary to purchase or acquire any land within the bustee which is not bustee land, the schedule shall specify the land which should be purchased or acquired.

On receipt of report, Commissioners may cause notice to be served.

258. On receipt of the report of the medical officers, the Commissioners in meeting may cause a notice to be served upon the owners or occupiers of the huts, or at the option of the Commissioners, the owner of the land on which such huts are built, requiring them to carry out and execute within a reasonable time, to be fixed by the Commissioners for such

purpose, all or any of the works specified in the aforesaid Schedule A annexed to the report, or any portion thereof respectively.

The Commissioners in meeting shall also approve of the standard plan prepared by the medical officers with such modifications as they may deem proper.

Commissioners may carry out works if owners or occupiers refuse.

259. If, after the service of the notice referred to in the last preceding section, such owners or occupiers, or the owners of the land, shall refuse or neglect to carry out and execute the said works within the time appointed, the Commissioners may cause all or any of the said works, or any portion thereof, respectively, to be executed; and the expenses thereby incurred, including such reasonable compensation as the Commissioners think fit to pay to the owners or occupiers of huts destroyed or removed, shall be paid by the owners of the land:

Expenses may be recovered by instalments or remitted in case of poverty.

Provided that the Commissioners in meeting may order the expenses so incurred to be recovered by instalments from the said owners of the land, or, if it should appear to them that any such owner is unable by reason of poverty to pay the same, may order the same or any portion thereof to be paid out of the General Fund.

Sale of huts.

260. If any of the said huts be pulled down, the Commissioners shall cause the materials of each hut to be given to the owner of the hut; or if the owner be unknown, or the title disputed, the materials shall be sold, and the proceeds shall be held in deposit by the Commissioners until the person interested therein shall obtain an order from a competent court for the payment of the same.

A Court of Small Causes shall be deemed a competent court for the purpose.

Commissioners on the report of medical officers may acquire land.

261. The Commissioners may, at any time, after the receipt of the report of the medical officers, acquire by purchase, or in the manner provided by Chapter XIII, Part II, any land other than bustee land shown in that report as land which should be acquired.

262. After the works specified in Schedule A attached to the report filed under section two hundred and fifty-seven, or so much of such works as are approved by the Commissioners in meeting, have been completed, the provisions of section two hundred and fifty-five shall apply to such bustee until it is brought into complete conformity with the standard plan approved in accordance with the provisions of section two hundred and fifty-eight, after which the bustee shall be deemed to be a remodelled bustee.

When an unhealthy bustee to be deemed remodelled bustee.

263. No standard plan, prepared under sections two hundred and fifty-two, two hundred and fify-three, two hundred and fifty-seven, or two hundred and sixty-eight shall, without the consent of the owners, show more than one-fifth of the area of the bustee as roads or more than one-half as open lands not to be built upon, whether such open land be common ground, roads, or spaces behind a line of huts; but no tank that is not filled up shall be taken into account in calculating the above proportion. The proposed standard plan shall also, as far as possible, provide for one or more huts being completely contained in each separate plot of bustee land within the bustee and for a due proportion of roadway and open ground in each plot; and if a greater portion of any one plot is taken for roads or open ground than the proportion allowed by this section, the compensation which should be paid to the owner of this plot and the persons who should pay such compensation by reason of their benefiting thereby shall be specified; if no other owner can be equitably called upon to pay such compensation, it shall be paid by the Commissioners. The compensation thus fixed shall not be payable till the plot belonging to the owner entitled to it has been brought into complete conformity with the standard plan.

Provisions as to standard plan.

264. Any owner of bustee land included within the limits of a bustee may at any time give notice to the Commissioners that he intends to change the character of the whole or of any portion of the land belonging to him, so that it will cease to be bustee land. If his notice refers only to a part of his land, a separate

Effect of notice of intention to change character of bustee land.

number shall be forthwith assigned in the assessment book to the part to which the notice applies. From the date of such notice no application shall be received for building, re-building, or adding to any hut in the land to which the notice applies, and the owner shall be bound to remove all existing huts within six months after giving such notice. When all the huts have been removed, the land shall cease to be liable to the incidents of bustee land, and according to its situation, shall either be altogether excluded from the limits of the bustee, or shall be shown in the standard plan of the bustee as land within the said limits which is not bustee land.

Roads in standard plan if not public streets remain private.

265. The roads shown in the standard plan of a bustee which are not already public streets shall, unless the Commissioners and the owners concerned otherwise agree, remain private streets; and the portion which falls on the land of each owner shall belong to such owner. Any portion which falls on land acquired or purchased by the Commissioners under section two hundred and sixty-one shall remain the property of the Commissioners.

Every such private street shall at all times be kept open to the conservancy carts of the Commissioners for the purpose of scavenging in the bustee, and shall also be kept open for the use of all the tenants of the bustee, but no such use, whether by the conservancy carts or by the tenants, shall be held by any lapse of time to confer a right of way on the public, so as to bring such street within the definition of a "public street."

Roads in a bustee not affected by change of character of bustee land.

266. If any portion of the land which it is sought to remove from the incidents of bustee land is shown in the standard plan of the bustee as a road or part of a road, the notice shall be held not to apply to such road without the express consent of the Commissioners, but such road shall continue part of a private street open to the use of conservancy carts and of the tenants of the bustee.

Owners of a bustee, when standard plan is prepared, deemed occupiers of the open spaces.

267. When a standard plan has been prepared for a bustee, the several owners of the bustee land shall be respectively deemed to be the occupiers of the roads, common ground, and of such

drains of the bustee as serve more than one hut, so far as constructed in accordance with such standard plan, and the owner of each hut shall be deemed to be the occupier of the land occupied by his hut, of that portion of the open space behind his hut which appertains to it, and of any drain which is for the sole use of his hut.

Power to purchase, improve, and re-sell or lease unhealthy areas.

268. Notwithstanding anything contained in sections two hundred and fifty-seven to two hundred and sixty-two, the Commissioners in meeting may, upon receipt of the report prescribed under section two hundred and fifty-seven, pass a resolution to the effect that any bustee is an unhealthy area, and that, in the opinion of the Commissioners, the acquisition of the bustee, or any part thereof, by purchase, lease, or otherwise, is necessary for the purpose of making the requisite improvements thereon, and shall proceed to make a standard plan for the improvement of such land, and shall forward such plan, accompanied by such estimates as shall be necessary for a due understanding of the same, together with a copy of such resolution, for the consideration and sanction of the Local Government.

On receipt of such sanction, the Commissioners in meeting may acquire such land or any part thereof in the manner provided by Chapter XIII, Part II.

When the sanction of the Local Government has been accorded to any standard plan for the improvement of any land acquired by the Commissioners as above provided, the Commissioners in meeting may sell or let any part of the acquired land to any person for the purpose and under the condition that he will, as respects the land so purchased by, or leased to, him, carry out such standard plan.

The Commissioners may, instead of selling or letting the land acquired by them as aforesaid, themselves bring the bustee into conformity with such standard plan.

The Commissioners shall be bound to sell or lease such land in the manner aforesaid, or themselves to carry out the improvement sanctioned under this section within the term of four

years from the date of their acquiring such land, unless the Local Government shall specially extend such term.

When a bustee has been improved under this section, it shall be deemed to be a remodelled bustee.

Commissioners in meeting may levy a rate for cleansing bustees.

269. The Commissioners in meeting may sanction the employment of a special establishment for the cleansing of bustees, and when such establishment has been sanctioned, they may impose a rate to defray the cost of such establishment, on the owners of such bustees :

Provided that, without the consent of the owners, no such rate shall be levied upon any remodelled bustee.

Commissioners may require bustees in a filthy condition to be cleansed.

270. If any bustee for which no such establishment as is referred to in the last preceding section is maintained, appears to the Commissioners to be in a filthy condition, the Commissioners may serve notices upon the occupiers as defined in section two hundred and sixty-seven, requiring them within three days to cleanse the same, and if the occupiers do not comply with the terms of such notices to the satisfaction of the Commissioners, the Commissioners may cleanse the whole or any portion of the bustee which requires cleansing, and may recover the cost incurred by them from the occupiers of such portions of the bustee as they have cleansed in such manner as a rate may be recovered.

CHAPTER XI.

OF DRAINAGE WORKS, DRAINS AND PRIVIES.

Commissioners to drain Calcutta.

271. The Commissioners may carry out such a complete system or systems of sewerage and drainage as they may think fit, subject to the approval of the Local Government, and such alterations as may from time to time be ordered by it.

Public sewers, drains, tunnels and culverts vested in Commissioners.

272. All public sewers and drains, and all sewers, drains, tunnels, and culverts in, alongside, or under any public street, whether made at the cost of the Commissioners or otherwise, and all works, materials, and

things appertaining thereto, shall vest in, and belong to, the Commissioners.

Powers of Commissioners in making public sewers.

273. The Commissioners shall have power to construct within Calcutta, and when necessary for the purposes of outfall or distribution of sewage without Calcutta, such sewers as they may think necessary for keeping the town properly cleansed and drained, and may carry such sewers through, across or under any road, street or place, and after reasonable notice in writing into, through or under any premises or lands whatsoever, and may from time to time enlarge, lessen, alter, arch over or otherwise improve, modify or change, or close up or destroy all sewers, vested in them, provided no nuisance is created by such operations ; and if any person is thereby deprived of the lawful use of any drain or sewer, the Commissioners shall provide another as effectual for his use within one hundred feet from some part of his premises. The Commissioners shall cause their sewers to be so constructed, kept and cleansed as not to be a nuisance or injurious to health, and for the purpose of cleansing, flushing and emptying them may construct and place, either above or under ground, such reservoirs, sluices, engines or other works as may be necessary, and may cause such sewers to communicate with, and be emptied into, such places as may be fit and necessary within Calcutta, and if necessary for the purpose of outfall or distribution of sewage without Calcutta, and may cause the sewage and refuse therefrom and from the town to be collected for sale, or for the improvement of land, or for incineration, or for any purpose whatsoever, but not so as to create a nuisance.

If a sewer is carried into, through or under any lands not belonging to the Corporation, the Commissioners shall make compensation to the owner thereof for any damage sustained by him by reason of such sewer being so carried into, through or under his land. In case of dispute, the amount of compensation payable by the Commissioners shall be determined in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

274. When the contents of any sewer or drain, or any other flow or filth or refuse, are discharged into any river or stream in the bed or channel of which the quantity of water at any season of the year is so much diminished, by natural or artificial causes, as to be insufficient to keep such channel clean or clear, the Commissioners, with the sanction of the Local Government, may make such alteration in the bed of such river or stream as may prevent such sewer and drain-water from spreading over the surface of such bed, or from accumulating and stagnating in parts thereof to the injury of health or the annoyance of the surrounding population.

Bed of stream receiving sewage to be cleared.

275. If any person, without the written consent of the Commissioners first obtained, makes or alters any drain leading into any of the sewers or drains vested in the Commissioners, or makes such drain, or carries out such alterations, with materials not approved of by the Commissioners, the Commissioners may cause such branch drain to be demolished, altered, re-made, or otherwise dealt with as they shall think fit;

Unauthorized drains leading into public sewers may be demolished.

and the expenses thereby incurred shall be paid by the person making or altering such branch-drain.

276. Whoever, without the written consent of the Commissioners first obtained, makes or alters any drain leading into any of the sewers or drains vested in the Commissioners by this Act, shall be liable to a fine not exceeding Rs. 200.

Penalty for altering or making unauthorized drains leading into public sewers.

277. If any house or land within one hundred feet of a public sewer or surface drain fit for use, or of some tidal river or other place at which the Commissioners are empowered to empty their sewers, be at any time not drained to the satisfaction of the Commissioners by sufficient surface drains or pipes communicating with some sewer, surface drain, tidal river, or other place as aforesaid, the Commissioners may, if the owner neglects to do so within fifteen days after notice, construct or lay through or from such house or land, suitable drains of such

Commissioners empowered to make drains from houses which are not properly drained.

materials, of such size and with such fall, as they shall think necessary for the complete draining of such house or land;

and the expenses thereby incurred shall be paid by the owner.

For the purpose of efficiently draining any house or land under this section, the Commissioners may require any court-yard, alley, or passage between two or more houses, to be paved with such materials and in such manner as may be approved of by them, and may require such paving to be kept in proper repair. They may also require the level of any such court-yard, alley or passage to be raised if necessary, for the efficient drainage thereof.

Commissioners may construct certain portions of drains under public drains and streets.

278. The Commissioners themselves may construct and lay down such portions of the drains mentioned in the last preceding section and sections two hundred and eighty-two and two hundred and eighty-three, as may be carried through or under any public drain, aqueduct, or street;

and the expenses thereby incurred shall be paid by the owner.

Sewage and rain-water drains to be distinct.

279. Whenever it is provided in this Chapter that steps shall or may be taken for the effectual drainage of any premises, it shall be competent to the Commissioners to require that there shall be one drain for sewage and polluted water, and another and an entirely distinct drain for rain-water or unpolluted subsoil water, or for both, each emptying into separate municipal drains or other suitable places.

Underground drains connected with the sewers to be made under a license.

280. It shall not be lawful for any person to make any underground drains in connection with the public sewers unless he shall hold a license from the Commissioners under such rules and regulations as the Commissioners may, from time to time, lay down, and which shall be printed on the back of the license.

Penalty.

Any person holding such license who shall infringe or break any such rule or regulation shall be liable to have his license cancelled, and he or any person making any underground drain in connection with

the public sewers without a license shall be liable to a fine not exceeding Rs. 20.

Supervision of certain works.

281. The Commissioners may cause the work of laying underground drains to be supervised while in progress, and from time to time during their execution may order such reasonable alterations therein, additions thereto, and abandonment of part or parts thereof, as may to the Commissioners appear, on the fuller knowledge afforded by the opening of the ground, requisite to secure the complete and satisfactory execution of such works as aforesaid.

Group or block of houses may be drained by a combined operation.

282. If it appear to the Commissioners that a group or block of houses may be drained more economically or advantageously in combination than separately, and a sewer of sufficient size already exists, or is about to be constructed, within one hundred feet of any part of such group or block of houses, the Commissioners may cause such group or block of houses to be drained by a combined operation;

and the expenses thereby incurred shall be paid by the owners of such houses, or, in the case of bustee land, by the owners of the land in such proportions as shall to the Commissioners seem fit.

Not less than fifteen days before any work under this section is commenced, the Commissioners shall give notice to the owners of all the land or houses to be drained of the nature of the proposed work and an estimate of the expenses about to be incurred in respect thereof and the proportion payable by each owner.

Commissioners may require the owner of a drain to allow another to use it.

283. Whenever a drain belonging to one or more persons has been laid in any street or passage common to more than one house, and it is deemed desirable to drain any other premises into such drain, the Commissioners may require the owners of such drain to allow a connection therewith to be made on such terms as may seem to them equitable, and the owner or owners of the drain shall be entitled to refuse to allow the connection to be made until the terms prescribed have been accepted and any

order for payment made by the Commissioners has been complied with.

Sewers in streets to be covered with traps.

284. All underground drains in streets (public or otherwise) shall be provided by the Commissioners or by the persons to whom they severally belong with proper traps or other coverings and means of ventilation, so as to prevent stench.

If the owner of any private sewer or underground drains shall, for ten days after notice given to him by the Commissioners, neglect or delay to provide proper traps or coverings and means of ventilation as aforesaid, the Commissioners may forthwith provide and apply the same;

and the expenses thereby incurred shall be paid by the owner.

Power of Commissioners to erect or affix to building, pipes for ventilation of sewers.

285. The Commissioners may erect on, or fix to, any house or wall such properly jointed pipes as they may deem necessary for the proper ventilation of the sewers belonging to them, and such pipes shall be carried to a height of not less than six feet above the highest part of the highest adjacent house, and erected so as not to occasion any nuisance or inconvenience to any house in the neighbourhood.

Branch drains, privies, cess-pools, stables, and cow-houses to be under the control of the Commissioners, and to be kept in good order by owners.

286. All branch drains, as well within as without the house or land to which they belong, and all privies, cess-pools, stables and cow-houses, in Calcutta, shall be under the survey and control of the Commissioners as regards their site, material, dimensions and construction, and shall be altered, supplied with water, connected with a sewer, paved, repaired, kept in proper order, stopped up, or demolished, at the costs and charges of the owner of the house or land to which the same belong, or for the use of which they are constructed or continued;

and if the owner of any house or land to which any such drain, privy, cess-pool, stable or cow-house belongs neglect, during eight days after notice in writing, to execute the work in the manner required by the Commissioners, the Commissioners may cause

the work to be executed in respect of such drain, privy, cess-pool, stable or cow-house;

and the expenses thereby incurred shall be paid by the owner.

Obstructions in private drains to be removed.

287. If any private drain is obstructed, the occupier of the premises in which such drain is situate shall, within six hours after receiving notice to do so from the Commissioners, cause the obstruction to be removed, and if he make default, the Commissioners may cause the necessary work to be done;

and the expenses thereby incurred shall be recoverable from such occupier.

Commissioners may alter any branch drain, privy, cess-pool, stable or cow-house made contrary to their order.

288. If any branch drain, privy, cess-pool, stable or cow-house be constructed contrary to the directions, bye-laws or regulations of the Commissioners, or contrary to the provisions of this Act, or if any person, without the consent of the Commissioners, constructs, re-builds or unstops any branch drain, privy, or cess-pool which has been ordered by them to be demolished or stopped up, or not to be made, or constructs or re-builds any stable or cow-house which has been ordered by them to be demolished or not to be built, the Commissioners may cause such amendment or alteration to be made in any such branch drain, privy, cess-pool, stable or cow-house as they think fit;

and the expenses thereby incurred shall be paid by the person by whom such branch drain, privy, cess-pool, stable or cow-house was improperly constructed, re-built or otherwise dealt with.

Penalty for persons making or altering drain, contrary to the orders of Commissioners.

289. Whoever constructs any drain, privy, cess-pool, stable, or cow-house after the commencement of this Act contrary to the directions, bye-laws or regulations of the Commissioners, or contrary to the provisions of this Act, or whoever without the consent of the Commissioners, constructs, re-builds or unstops any drain, privy, or cess-pool which has been ordered by them not to be made or to be demolished or to be stopped up, shall be liable to a fine not exceeding Rs. 50.

Inspection of branch drains, privies, cess-pools, stables or cow-houses.

290. The Commissioners may inspect any branch drain, privy, cess-pool, stable or cow-house, and for that purpose, at any time between sunrise and sunset, after one hour's notice in writing to the occupier of the house or land to which such branch drain, privy, cess-pool, stable or cow-house is attached, may enter upon such house or land with such assistants and workmen as are necessary, and cause the ground to be opened where they may think fit, doing as little damage as may be;

and if, upon such inspection, it appears that such branch drain, privy, cess-pool, stable or cow-house is not in good order and condition, or that it has been constructed contrary to the provisions of this Act, the expenses of such inspection shall be paid by the person to whom such branch drain, privy, cess-pool, stable or cow-house may belong;

and if any branch drain is choked, or if any other defect connected with such branch drain which requires to be forthwith remedied is brought to light by such inspection, the Commissioners shall then and there clear out the branch drain, or remedy the defect;

but if the branch drain, privy, cess-pool, stable or cow-house be found to be in proper order and condition, and not to have been constructed in violation of the provisions of this Act, the Commissioners shall cause the ground to be closed and made good as soon as may be;

and the expenses of opening and closing the ground shall be paid by the Commissioners.

Penalty for throwing rubbish or permitting any offensive matter or sewage to flow or be put into sewers.

291. Whoever throws or puts, or permits his servants to throw or put, any rubbish, or until suitable sewers shall be provided, permits any offensive matter or sewage to flow, or be put into any sewer or drain belonging to the Commissioners, or into any drain communicating therewith, shall be liable to a fine not exceeding Rs. 50 for every such offence.

No latrine to be constructed within fifty feet of a tank.

292. No person shall, without the permission of the Commissioners in writing, construct or keep any latrine, privy, urinal, cess-pool, house-drain, or other receptacle for sewage or offensive matter within fifty feet of any public tank, or a tank used by the inhabitants of any locality. Any person upon whose land any latrine, privy, urinal, cess-pool, house-drain, or other receptacle so situated shall be now existing or hereafter constructed, shall remove the same within eight days of the receipt of a written notice from the Commissioners.

Penalty.

293. Any person failing to comply with the notice mentioned in the last preceding section shall be liable to a fine not exceeding Rs. 20 and to a further fine, not exceeding Rs. 3 for every day that the latrine, privy, urinal, cess-pool, house-drain, or other receptacle remains within the limits aforesaid.

Commissioners may cause additional privies to be provided for any land.

294. If the Commissioners think that any privy or additional privy should be provided for any house or land the owner of such house or land shall, within fourteen days after notice in that behalf by the Commissioners, cause such privy, together with the necessary pipes, drains, and water-supply, to be constructed in accordance with the requisition of such notice; and if such privy be not so constructed to the satisfaction of the Commissioners within such period, the Commissioners may cause such privy, together with the necessary pipes, drains, and water-supply, to be so constructed;

and the expenses thereby incurred shall be paid by the owner.

Commissioners in executing works to provide proper drains.

295. The Commissioners, in executing any works under this Act, shall provide and make, at their own expense, a sufficient number of convenient ways, water-courses, drains, and channels in the place of such as may be interrupted, injured, or rendered useless by reason of the execution of such works;

and if any difference arises between the Commissioners and the persons affected thereby, such difference shall be settled in the

manner hereinafter provided for the settlement of disputes respecting damages and expenses.

Bars to be erected across streets during repairs and lights placed at night.

296. The Commissioners shall, during the construction or repair by them of any of the streets, sewers, or drains, vested in or belonging to them, take proper precaution for guarding against accident, by shoring up and protecting the adjoining houses;

and shall cause such bars, chains or posts to be fixed across or in any street (public or otherwise), to prevent the passage of carriages, carts, cattle, or animals, while such works are carried on as to them shall seem proper;

and shall cause any sewer, or drain, or other works in streets (public or otherwise), during the construction or repair thereof by them to be sufficiently lighted and guarded during the night.

CHAPTER XII.

Of Sanitary Matters.

Part I.—*Of Scavenging and Cleansing.*

Cleansing street.

297. The Commissioners shall cause the public streets to be sufficiently lighted and regularly swept and cleansed; and the rubbish and offensive matter of every kind whatsoever found thereon to be collected and removed every day.

Dust-boxes in streets.

298. The Commissioners may cause any number of moveable or fixed dust-boxes or other convenient receptacles, (wherein rubbish and offensive matter arising from the ordinary domestic use of houses, may be temporarily deposited until removed and carried away,) to be provided and placed in proper and convenient situations, and may require the occupiers of houses in public streets to cause all such matter as aforesaid to be deposited in such receptacles and between such hours as they may from time to time direct:

Provided, that no occupier shall be required to deposit refuse in a dust-box at a greater distance than fifty yards from the entrance of his premises.

Penalty.

299. Subject to the proviso contained in the last preceding section, every person who, after such receptacles have been provided, and after such requisition as above-mentioned, shall deposit, or cause or permit to be deposited, any such matter in any public street, except in such receptacles, shall be liable to a fine not exceeding Rs. 10.

Penalty for depositing rubbish, offensive matter or sewage in public place.

300. Whoever deposits, or suffers to be deposited, any rubbish, offensive matter or sewage in any public street, or on any public quay, jetty, ghât, or landing place, or on any part of the river bank, whether above or below high water-mark, except in such places, and in such manner and at such hours, as shall be fixed by the Commissioners, shall be liable to a fine not exceeding Rs. 10 for every such offence.

Presumption as to offender under section two hundred and ninety-nine or the last preceding section.

301. If it shall in any case be shown that dust, rubbish, offensive matter or sewage has been thrown or placed on any street or place in contravention of section two hundred and ninety-nine or the last preceding section from some building or land, it shall be presumed that the offence has been committed by, or with the sufferance of, the occupier of such building or land, unless the contrary be proved.

Penalty for allowing water from sink, sewer or offensive matter to flow, run, drain or be thrown on streets or surface drain.

302. Whoever causes or allows the water of any sink or sewer or any offensive matter belonging to him, or being in any house or land in his occupation, to run, drain, or be thrown or put upon any street (public or otherwise), or causes or allows any sewage to run, drain or be thrown into a surface drain not intended for the purpose, in any street (public or otherwise), shall be liable to a fine not exceeding Rs. 10 for every such offence.

Removal of sewage or offensive matter.

303. The Commissioners from time to time shall appoint—

(*a*) the hours within which sewage or any offensive matter may be removed;

(*b*) the kind of cart or other receptacle in which it may be removed;

(c) the route by which such cart or other receptacle shall proceed.

Penalty.

304. When the Commissioners have fixed such hours and given public notice thereof, whoever removes or causes to be removed along any street (public or otherwise) any such sewage or offensive matter at any time, except within the hours so fixed, and also, whoever at any time, whether such hours have been fixed by the Commissioners or not, uses for any such purpose any cart, carriage, or other receptacle or vessel other than that approved and sanctioned by the Commissioners, or spills any such sewage or offensive matter in the removal thereof and does not carefully sweep and clean every place in which any such offensive matter has been so spilled, or places or sets down in any public place any vessel containing such sewage or offensive matter, or drives or takes, or causes to be driven or taken, any cart, carriage, receptacle, or vessel used for any such purpose as aforesaid, through any street (public or otherwise), or by any route other than that, from time to time, by public notice, appointed for that purpose by the Commissioners, shall be liable to a fine not exceeding Rs. 20 for every such offence.

Places of deposit for rubbish or offensive matter.

305. The Commissioners shall from time to time appoint or provide places—

(a) for the deposit of rubbish or offensive matter collected and removed in accordance with the provisions of this Act;

(b) for the deposit of the carcasses of animals removed in accordance with the provisions of this Act; and

(c) for keeping all cattle, carts, implements, and other things required for the above or any of the purposes of this Act.

Removal of carcasses of animals.

306. The occupier of any premises in or upon which any animal shall die, or upon which the carcass of any animal shall be found, and the person having the charge of any animal which dies in a street or in any open place shall, within three hours after the death of such

animal, or if the death occurs at night, within three hours after sunrise, either—

(a) remove the carcass of such animal to some receptacle, depôt or place appointed by the Commissioners under section three hundred and five for the temporary deposit or final disposal of such carcasses; or

(b) report the death of the animal to the proper officer of the Commissioners, with a view to causing the carcass to be removed.

When any carcass is removed, in the manner provided in clause (b), a fee for the removal, of such amount as shall be fixed by the Commissioners, shall be paid by the owner of the animal, or, if the owner is not known, by the occupier of the premises in or upon which, or by the person in whose charge the same died. The word "animal" in this section includes an elephant, camel, horse, mule, donkey, horned beast, sheep, pig, or other large animal.

Penalty.

307. Whoever, being the occupier of any house or land, keeps or suffers to be kept any offensive matter for more than twenty-four hours, otherwise than in a proper receptacle, or suffers such receptacle to be in a filthy or noxious state, shall be liable to a fine not exceeding Rs. 50, and to a further fine, not exceeding Rs. 30 for each day during which the offence is continued after he has been convicted of such offence;

and the Commissioners may cleanse the premises, and the expenses thereby incurred shall be paid by the occupier.

Rubbish, offensive matter or sewage to be the property of Commissioners.

308. All rubbish, offensive matter or sewage collected from the streets (public or otherwise), houses, privies, sewers, and cess-pools, and all carcasses removed under the provisions of section three hundred and six shall belong to the Commissioners, who may sell or dispose of the same as they may think proper, and the money arising from the sale thereof shall form part of the General Fund.

Power to shut up, secure, enclose, clean or clear deserted houses.

309. If any house or land, by reason of abandonment, or of disputed ownership, or other cause, remains untenanted, and thereby becomes a resort of idle and disorderly persons,

or becomes in a filthy or unwholesome state, or is complained of by any two or more of the neighbours as a nuisance,

the Commissioners, after due enquiry, may cause notice in writing to be given to the owner, or to the person claiming or believed to be the owner, if he be known and resident in Calcutta, and shall also cause such notice to be put on the door of the house or some conspicuous part of the land requiring the persons concerned therein, whoever they may be, to secure, enclose, clean, or clear the same;

and if such notice shall not be complied with within eight days, the Commissioners shall cause the necessary work to be executed, and the expenses thereby incurred shall be recovered from the owner or by the sale of any materials found upon such house or land, and the provisions of section two hundred and thirty-four shall be applicable to such sale.

Common necessaries.

310. The Commissioners may provide and maintain in proper and convenient situations, common necessaries and urinals, and shall cause the same, when provided, to be constructed, and kept so as not to be a nuisance or injurious to health.

Licensing of public necessaries.

311. The Commissioners may license, for any period not exceeding one year, such necessaries for public accommodation as they may, from time to time, think proper; and may at any time, on giving one month's notice, if they think fit, cancel any license so granted.

Mode of recovering fees.

All fees payable under any license granted under this section shall be recoverable from the persons liable to pay the same, as if the amounts payable in respect thereof were rates due to the Commissioners from such persons, under the provisions of Chapter VI.

Penalty.

312. Whoever keeps any public necessary without a license as mentioned in the last preceding section, or having a license, suffers such public necessary to be in a filthy or noxious state, shall be liable to a fine not exceeding Rs. 100, for every such offence, and to a further fine, not exceeding Rs. 50, for each day during which the offence is continued after he has been convicted of such offence.

Commissioners may organise a house service.

313. The Commissioners shall maintain an establishment under their control for the removal of sewage from all houses, the privies of which are not connected with the sewers.

Power to prohibit excavations.

314. The Commissioners in meeting may, by a general order, or by an order to affect such portion of Calcutta as may be specified therein, prohibit the making of excavations for the purpose of taking earth therefrom, or for the purpose of storing rubbish or offensive matter therein, and the digging of cess-pools, tanks, well or pits without the special permission of the Commissioners.

If any such excavation, cess-pool, tank, well or pit is made after the issue and publication of such order without such permission, the Commissioners may require the owner and occupier of the land on which such excavation, cess-pool, tank, well or pit is made, within two weeks to fill up such excavation with earth or other material approved of by them, and in default the Commissioners may enter upon the land and execute the work;

and the expense thereby incurred shall be paid one-half by the owner and one-half by the occupier of such land.

Power to fill up unwholesome wells, tanks, and places where stagnant water has collected.

315. When any well, tank, or marshy ground, or any waste or stagnant water, whether within any private enclosure or not, appears to the Commissioners to be injurious to health or to be offensive to the neighbourhood, the Commissioners may require, by notice in writing, the owner of the same

to cleanse or fill up such well, tank or marshy ground with suitable material, or to drain off or remove such stagnant water; and if he shall refuse or neglect to comply with such requisition during one month from the service thereof, the Commissioners may enter into the said premises, and do all necessary acts for all or any of the purposes aforesaid as they shall think fit;

and the expenses thereby incurred shall be paid by the owner, and until so paid the Commissioners may retain possession of the land or tank or the site of such tank and utilise the same for public purposes.

Penalty.

316. Whoever, being an owner of land, fails to comply with the requisition mentioned in the last preceding section, shall be liable to a fine not exceeding Rs. 200, and to a further fine, not exceeding Rs. 50, for each day during which the offence is continued after he has been convicted of such offence.

PART II.—*Inspection and Sanitary Regulation of Premises.*

Power to inspect premises for sanitary purposes.

317. The Commissioners may inspect any building or other premises for the purpose of ascertaining the sanitary condition thereof.

Cleansing and lime-washing of any building may be required.

318. If it shall appear to the Commissioners necessary for sanitary reasons so to do, they may, by written notice, require the owner or occupier of any building so inspected to cause the same or some portion thereof to be limewashed or otherwise cleansed, either externally or internally, or both externally and internally, within a time to be specified in such notice.

Buildings unfit for human habitation.

319. If, for any reason, any building intended for or used as a dwelling shall appear to the Commissioners to be unfit for human habitation, they may apply to a Magistrate to prohibit the further use of such building for such purpose; and the Magistrate, after such inquiry as he thinks fit to make, may, by written order, make a prohibition as aforesaid or may pass such other order as he shall deem just and proper.

When any such prohibition has been made, no owner or occupier of such building shall use or suffer the same to be used for human habitation until the Commissioners certify in writing that the causes rendering it unfit for human habitation have been removed to their satisfaction, or the Magistrate, by a written order, withdraws the prohibition aforesaid.

Overcrowded dwellings.

320. If it shall appear to the Commissioners that any building used as a dwelling is so overcrowded as to endanger the health of the inmates thereof, they may apply to a Magistrate to prevent such overcrowding; and the Magistrate, after such inquiry as he thinks fit to make, may, by written order, require the owner of the building, within a reasonable time not exceeding six weeks, to be prescribed in the said order, to abate the overcrowding thereof, by reducing the number of lodgers, tenants or other inmates of the said building, or may pass such other order as he shall deem just and proper.

If the owner of the said building shall have sublet the same, the landlord of the lodgers, tenants, or other actual inmates of the same shall, for the purposes of this section, be deemed to be the owner of the building.

It shall be incumbent on every tenant, lodger or other inmate of the building to vacate on being required by the owner so to do in pursuance of any such requisition.

PART III.—*Of the prevention of Infectious or Contagious Diseases.*

Information to be given of existence of dangerous disease.

321. Every medical practitioner who treats or becomes cognizant of the existence of any case of cholera, small-pox, diphtheria, or typhoid fever in any private or public dwelling, other than a public hospital, shall be bound to give information of the same with the least practicable delay to the Commissioners. The said information shall be communicated in such form and with such details as the Commissioners may from time to time require.

The Commissioners in meeting may, with the sanction of the Local Government, impose a similar obligation with regard to any other dangerous disease.

322. The Commissioners may, at any time, after giving such notice of their intention as shall, under the circumstances, appear to them to be reasonable, enter and inspect any place in which any dangerous disease is reputed or suspected to exist, and take such measures as they shall think fit to prevent the spread of the said disease beyond such place.

Commissioners to have power of entry for purpose of preventing spread of dangerous disease.

323. If it shall appear to the Commissioners that the water in any well, tank, or other place is likely, if used for drinking, to engender or cause the spread of any dangerous disease, they may, by public notice, prohibit the removal or use of the said water for the purpose of drinking.

Prohibition of use for drinking of water likely to cause dangerous disease.

No person shall remove or use for the purpose of drinking any water in respect of which any such public notice has been issued.

324. When any hospital or place for the reception of persons suffering from any dangerous, epidemic, endemic, or infectious disease has been provided, the Commissioners may, on a certificate countersigned by the Health Officer, and with the consent of the Superintendent of such hospital or place, direct the removal thereto of any male person suffering from any such dangerous disease, who is, in the opinion of such Health Officer, without proper lodging or accommodation.

Commissioners may order removal of patients to hospital.

325. If, upon the certificate of the Health Officer, the Commissioners are of opinion that the cleansing or disinfecting of a building, or of a part of a building, or of any article therein likely to retain infection, would tend to prevent or check the spread of any dangerous disease, they may, by written notice, require the owner or occupier of such building, within a reasonable time to be prescribed in the said notice, to cleanse or disinfect the same.

Disinfecting of buildings.

If the owner or occupier fails to comply with the said notice the Commissioners shall cause the building, or part of the building, or article, to be cleansed or disinfected;

and the expenses thereof shall be paid by the owner or occupier:

Provided that if, in the opinion of the Commissioners, the owner or occupier is, from poverty or other cause, unable effectually to carry out the said requirements, the Commissioners may cleanse or disinfect the building, or part of the building, or article likely to retain infection, at the charge of the General Fund.

326. If the Commissioners are of opinion that the destruction of any hut is necessary to prevent the spread of any dangerous disease, they may after giving the owner or occupier thereof reasonable notice, take measures for the destruction of such hut or shed and the materials of which it is constructed.

Destruction of huts and sheds to prevent spread of disease.

The Commissioners may pay compensation to any person sustaining substantial loss by the destruction of any hut, but no person shall be entitled as of right to claim compensation for any loss or damage sustained by him by reason of the destruction of any hut by the Commissioners under the powers conferred upon them by this section.

327. The Commissioners in meeting may provide a proper place or places, with all necessary apparatus and attendance, for the disinfection of clothing, bedding, or other articles which have become infected, and may cause articles brought for disinfection to be disinfected free of charge.

Place for disinfection may be provided.

The Commissioners may, from time to time, notify one or more places at which clothing or bedding, or other articles which have been exposed to infection from any dangerous disease, may be washed; and no person shall wash any such article at any public place not so notified, without having previously disinfected the same.

Also places for washing.

The Commissioners may direct the disinfection or destruction of bedding, clothing, or other articles likely to retain infection, and may, in their discretion, give compensation at the charge of the General Fund for any article destroyed.

Infected articles may be disinfected or destroyed.

328. The Commissioners in meeting may provide and maintain suitable conveyances for the free carriage of persons suffering from small-pox or cholera or from any other dangerous disease in regard to which the Commissioners in meeting may impose a similar obligation; and when such conveyances have been provided, it shall not be lawful to convey any such person by any other public conveyance.

Provision of carriages for conveyance of patients.

The Commissioners in meeting may also provide suitable conveyances for the transport of clothing, bedding or other articles which have been exposed to infection.

329. The owner, driver, or person in charge of a public conveyance in which any person suffering from small-pox has been carried shall immediately provide for the disinfection of the same to the satisfaction of the Commissioners.

Public conveyance which has carried a person suffering from small-pox to be disinfected.

330. No person shall, without previous disinfection of the same, give, lend, sell, transmit or otherwise dispose of any article which he knows, or has reason to know, has been exposed to infection.

Infected articles not to be transmitted, without previous disinfection.

But nothing in this section shall be deemed to apply to a person who transmits, with proper precautions, any article for the purpose of having the same disinfected.

331. No person who is suffering from small-pox shall enter a public conveyance without previously notifying to the owner, driver, or person in charge of such conveyance that he is so suffering.

Person suffering from small-pox not to enter a public conveyance without notifying the same.

Notwithstanding anything contained in any Act relating to public conveyances for the time being in force, no owner or driver or person in charge of a public conveyance shall be bound to carry any person suffering as aforesaid in such conveyance, unless payment or tender of sufficient compensation for the loss and expenses he must incur in disinfecting such conveyance, is first of all made to him.

332. No person shall let a building, or any part of a building, in which he knows, or has reason to know that a person has been suffering from any of the diseases specified in section three hundred and twenty-one without first having such building or part thereof and every article therein likely to retain infection disinfected to the satisfaction of the Commissioners.

Infected building not to be let without being first disinfected.

For the purpose of this section, the keeper of an hotel or inn shall be deemed to let part of his building to any person accommodated in such hotel or inn.

333. Any person committing a breach of any of the provisions of this Part shall be liable to a fine not exceeding Rs. 50.

Penalty.

334. In the event of Calcutta being at any time visited or threatened with an outbreak of any dangerous, epidemic or epizootic disease, the Commissioners in meeting, if they think that the ordinary precautions are insufficient to check the spread of such disease, may, with the sanction of the Local Government, take such special measures as they shall think necessary to prevent, check, or mitigate any such outbreak, and the expenses of any such measures shall be paid out of the General Fund. Such measures and any regulations passed to give effect thereto shall be published in the *Calcutta Gazette*, and any person wilfully neglecting or refusing to carry out, or obstructing the execution of any regulation made under this section, shall be liable to a fine not exceeding Rs. 100.

Commissioners in meeting may take special measures in outbreak of any epidemic disease.

Penalty.

PART IV.—*Of the Control of Public Stables, Cattle-Houses, Bathing Places and Wash-Houses.*

335. No person shall keep any animal for profit within Calcutta except in a place licensed by the Commissioners.

No person to keep animals without license.

Such license shall be taken out yearly before the first day of June in every year.

The word 'animal' in this section shall include an elephant, camel, horse, mule, donkey, horned beast, sheep, goat and pig.

The Commissioners in meeting shall determine the places where such animals may be kept and the rules as to paving, drainage, water-supply, cubical space, light and other conditions subject to which the license may be granted, and may impose an annual fee not exceeding Rs. 10 for such license, and no place shall be licensed until the conditions imposed have been complied with.

Penalty.

336. Whoever, being the owner of any land, permits any animals to be kept thereon in contravention of the provisions of the last preceding section, shall be liable to a fine not exceeding Rs. 100, and to a further fine, not exceeding Rs. 20, for each day during which the offence is continued after he has been convicted of such offence, and the person keeping the animals shall also be liable to a similar fine.

When a conviction has been obtained under this section, it shall be lawful for the Commissioners to turn out the animals and close the place wherein they were kept.

Penalty.

337. Whoever, being the holder of a license under section three hundred and thirty-five, commits a breach of the conditions of such license, shall be liable to a fine not exceeding Rs. 50 and to a further fine, not exceeding Rs. 10, for each day during which the offence is continued after he has been convicted of such offence.

Commissioners may set apart bathing places.

338. The Commissioners may at their discretion set apart any public ghât or place (not being private property, or part of the river or river bank of the Port of Calcutta) for the purpose of being used as a bathing place;

provide or set apart a sufficient number of convenient tanks or reservoirs, or runs of water, for the inhabitants to bathe in;

construct wash-houses for washing clothes, and set apart tanks, or reservoirs, or runs of water, for washing animals or clothes, or for any other purpose connected with the health, cleanliness, and comfort of the inhabitants.

Penalty.

339. Whoever bathes or washes any animal or clothes, in any public place, except the places provided or set apart under the last preceding section, shall be liable to a fine not exceeding Rs. 50.

Regulation as to washing by washermen.

340. The Commissioners in meeting may, by public notice, prohibit the washing of clothes by washermen in the exercise of their calling, except at such places as the Commissioners shall appoint for the purpose; and when any such prohibition has been made, no person who is by calling a washerman shall wash clothes at any place not so appointed other than his own or those of the owner or occupier of such place.

The Commissioners shall provide suitable places for the exercise by washermen of their calling, and may require payment of such fees for the use of any such place as shall from time to time be determined by the Commissioners in meeting.

PART V.—*Of Slaughter-houses and Dangerous and Offensive Trades.*

No place shall be used as a slaughter-house without a license from the Commissioners in meeting.

341. No place shall be used as a slaughter-house within Calcutta unless a license in writing for the use thereof as a slaughter-house has been obtained from the Commissioners in meeting, who may, at their discretion, from time to time, grant, refuse, suspend or revoke such license.

Whoever uses any place as a slaughter-house without such license shall be liable to a fine of Rs. 20, and upon a conviction being obtained the Commissioners may, if they think fit, close such slaughter-house.

Penalty for using slaughter-houses during suspension or revocation of license.

342. Whoever, during the period for which any license is suspended, or after the same is revoked as aforesaid, slaughters any animal, or allows any animal to be slaughtered in the slaughter-house to which such license relates, shall be liable to a fine not exceeding Rs. 100, and to a further fine, not exceeding Rs. 50, for each day during which the offence is continued after he has been convicted of such offence.

Commissioners in meeting to provide places for slaughter-houses.

343. The Commissioners in meeting may, from time to time, if they shall think fit, provide places within or without Calcutta for the purpose of being used as slaughter-houses; and all places heretofore provided by the Commissioners for the purpose of being used as slaughter-houses shall be deemed to have been provided under this section.

Slaughter-houses to be properly drained.

344. Every owner, occupier or farmer of any slaughter-house in Calcutta shall cause such drains to be made therein as shall be considered sufficient by the Commissioners, and (if required so to do by the Commissioners) shall cause all the floors and drains to be paved with stone or other material, and shall also cause a supply of water to be provided sufficient for keeping such slaughter-house in a clean and wholesome state. He shall also cause to be removed at least once in every twenty-four hours, all blood, offal, or other offensive matter arising from the use of such slaughter-house in such manner, at such time, and with such precautions as the Commissioners may direct.

Penalty.

If such owner, occupier, or farmer, after notice in writing given to him by the Commissioners that such slaughter-house is defective in any of the said particulars, and requiring him to remedy the defect specified within not less than thirty days, makes default therein, he shall be liable to a fine not exceeding Rs. 50 for every day during which such default is continued.

Commissioners in meeting may set apart places for sacrifice and the sale of goat meat.

345. The Commissioners in meeting may set apart places for the sacrifice of goats, in accordance with Hindu rites, and the sale of the meat thereof, and the provisions of sections three hundred and forty-three and the last preceding section shall apply to such places.

Certain offensive and dangerous trades carried on in Calcutta to be registered.

346. No premises, not already registered under section two hundred and ninety-seven of Bengal Act IV of 1876, shall be used:—

(*a*) for melting tallow;

(*b*) for boiling offal, hoofs, bones or blood;

(*c*) as a soap-house ;
(*d*) as a oil-boiling house ;
(*e*) as a dyeing-house ,
(*f*) as a tannery;
(*g*) as a brick, pottery, or lime kiln ;
(*h*) as a knacker's yard ;
(*i*) as a hide godown or hide screw-house;
(*j*) as a mill for crushing bones or preparing artificial manure ;
(*k*) as a manufactory or place of business from which offensive or unwholesome smells arise ; or
(*l*) as a depôt for hay, straw, wood, coal, or rags ;

except under a license from the Commissioners, who may, at their discretion, from time to time grant such license on such conditions as they may think fit.

Commissioners in meeting to fix fees to be paid for licenses.

347. The Commissioners in meeting shall fix a scale of fees to be paid in respect of premises licensed under the last preceding section or registered under section two hundred and ninety-seven of Bengal Act IV of 1876 :

Provided that no fee shall exceed Rs. 500, nor be less than the amount otherwise payable as a trade or profession license under the Second Schedule.

Penalty.

348. Whoever, without a license, uses any place not registered under section two hundred and ninety-seven of Bengal Act IV of 1876 for any purpose specified in section three hundred and forty-six shall be liable to a fine not exceeding Rs. 500, and to a further fine, not exceeding Rs. 50, for each day during which the said offence is continued after he has been convicted of such offence.

Commissioners may in certain cases order the carrying on of dangerous and offensive trades to be discontinued.

349. If it be shown to the satisfaction of the Commissioners that any place referred to in section three hundred and forty-six is a nuisance or entails probable danger to the neighbourhood, they may give notice to the occupier to discontinue the use of such place within one month after the date of such notice.

Whoever, after the expiration of such time, uses such place for any of the purposes mentioned in section three hundred and forty-six, or permits it to be so used, shall be liable to a fine not exceeding Rs. 200 and to a further fine, not exceeding Rs. 100, for each day during which the offence is continued after he has been convicted of such offence.

Penalty.

PART VI.—*Of Markets and the Sale of Food and Drugs.*

350. The Commissioners in meeting may from time to time, if they shall think fit, with the sanction of the Local Government, provide places in Calcutta for the purpose of being used as municipal markets, and the Commissioners may charge such rents, tolls, and fees as to them may seem fit for the use of, or right to expose goods for sale in, such markets, and for the use of shops, stalls, and standings therein.

Power to Commissioners in meeting to construct markets

351. All such rents, tolls, and fees which shall be imposed shall be recoverable by the Commissioners from the persons liable to pay the same as if the amounts payable in respect thereof were rates due to the Commissioners from such persons under the provisions of Chapter VI.

Recovery of fees.

352. The Commissioners may expel from any such municipal market any vendor who, or whose servants, may be convicted of disobeying any bye-law made under section four hundred and twelve, clause (*i*), and may prevent such person, by himself or his servants, from further carrying on any trade or business in such market, or occupying any stall or shop therein, and may determine any lease or tenure which such person may have in any such stall or shop.

Power to expel vendor breaking regulations.

353. The Commissioners may sell, or let to tenants on lease or otherwise, on such terms as they may think fit, any municipal market, or any part thereof, and may do all things necessary for carrying the provisions of this section into effect.

Power to Commissioners to sell or let markets.

Power to Commissioners in meeting to close markets or to sell or let land formerly used as markets.

354. The Commissioners in meeting may close any municipal market, or any part thereof, or sell, or let out to tenants on lease or otherwise, any land heretofore used as a municipal market, or any part thereof on such terms as they may think fit, and may do all things necessary for carrying the provisions of this section into effect.

Power to grant licenses for markets. Duration of licenses.

355. It shall be within the discretion of the Commissioners in meeting to grant licenses for the use of any place which they are satisfied is suitable for the purpose, as a market for the sale of meat, fish, fruit and vegetables, and every such license shall be in force until the first day of April next following the day therein named for the commencement thereof.

Nothing contained in this section shall be held to impose upon any person the obligation of taking out a license for a market which has been registered under section six of Bengal Act VIII of 1871.

Shops for the sale of meat and fish to be licensed.

356. No person shall, without a license from the Commissioners, use any place as a shop for the sale of fresh meat or fish except in a municipal, registered, or licensed market. And the Commissioners in meeting may fix a scale of fees for licenses to be taken out annually for such shops:

Provided that no fee for a license to use any place as a shop for the sale of meat shall be less than Rs. 12. This section shall not apply to any place licensed as an hotel or eating-house.

Penalty for permitting unauthorized places to be used as markets.

357. Whoever wilfully or negligently permits any place in Calcutta (not being a market which has been registered under section six of Bengal Act VIII of 1871) to be used as a market for the sale of meat, fish, fruit or vegetables, or as a shop for the sale of fresh meat or fish, without a license under this Act, shall be liable to a fine not exceeding Rs. 200, and to a further fine not exceeding Rs. 50 for each day during which the said offence shall be continued after he has been convicted of such offence.

Power to close unlicensed place.

358. Upon a conviction being obtained under the last preceding section, the Magistrate shall, on the application of the Commissioners, but not otherwise, order such place to be closed, and thereupon appoint persons, or take other steps, to prevent such place being so used; and every person who shall sell or expose for sale meat, fish, fruit, or vegetables in any place which shall have been so closed shall be liable to a fine not exceeding Rs. 10.

Commissioners in meeting may define limits of markets.

359. The Commissioners in meeting may define, fix, and determine the limits of any registered or licensed market or bazar and what portions of any market or bazar shall be thrown into, and made part of, the existing approaches, roads, paths, and ways in such market or bazar for the convenient use of persons resorting thereto; and shall signify the same by affixing, or causing to be affixed, in some conspicuous place or places in the market or bazar, a notice signifying the limits and description of the parts of the said market or bazar so to be kept and used as part of the approaches, roads, paths, and ways.

Commissioners in meeting may require roads in markets to be made.

360. The Commissioners in meeting may, by notice in writing to the owner, proprietor, or lessee of any registered or licensed market or bazar, require him, within a time to be specified therein, to execute the necessary works and take all necessary measures for the setting out, clearing, widening, and maintaining of the said approaches, roads, paths, and ways;

and may, in case of default by their servants and workmen, enter into and upon the said market or bazar, and clear, set out, and widen the said approaches, roads, paths, and ways, and the expenses thereby incurred shall be paid by the person on whom the notice has been served.

Commissioners in meeting may alter approaches.

361. The Commissioners in meeting may, from time to time, vary and alter the said approaches, roads, paths, and ways as occasion may require, signifying the same by a like notice.

362. Whoever shall cause any obstruction or encroachment in or on any approaches, roads, paths, or ways to, or in, any registered or licensed market or bazar shall be liable to a fine not exceeding Rs. 50, and to a further fine, not exceeding Rs. 10 for every day such obstruction or encroachment is continued after notice from the Commissioners to remove or discontinue the same.

Penalty.

363. Any Magistrate, on the application of the Commissioners setting forth that there is just cause to believe that any article, which has been rendered or has become noxious or unfit for use as food or drink for man, is in the possession of any person for the purpose of being sold, offered, or exposed for sale, may grant a warrant to enter upon the premises of such person and to search for and seize such article;

Sale of unwholesome food or drink.

and if it appear to the Magistrate that any such article, whether discovered with or without a warrant under this section, is noxious or unfit for such use, he shall order it to be forfeited and disposed of in such way as to him shall seem proper.

364. No person shall sell to the prejudice of the purchaser any article of food which is not of the nature, substance or quality of the article demanded by such purchaser under a penalty not exceeding Rs. 100 for the first offence, and not exceeding Rs. 500 for any offence after a conviction for a first offence:

Prohibition of the sale of articles of food not of the proper nature, substance or quality.

Provided that an offence shall not be deemed to be committed under this section in the following cases, that is to say—

(1) Where any matter or ingredient not injurious to health has been added to the food, because the same is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the food or conceal the inferior quality thereof.

(2) Where the food is unavoidably mixed with some extraneous matter in the process of collection or preparation.

The term "food" shall include every article used for food or drink by man other than drugs or water.

In any prosecution under this section it shall be no defence to allege that the vendor was ignorant of the nature, substance or quality of the article sold by him, or that the purchaser, having bought only for analysis, was not prejudiced by the sale.

No proceedings to be had without leave of Commissioners.

No proceedings shall be instituted under this section without the order or consent in writing of the Commissioners.

Power of Commissioners to enter and inspect markets and shops, and to seize unwholesome articles exposed for sale.

365. The Commissioners may, at all reasonable times, enter into and inspect any market, building, shop, stall, boat, vessel, wharf, godown, or other place used for the sale, preparation, or storage of articles intended for food, or as a slaughter-house, and may examine any such articles which may be therein, and if, upon examination, such articles, or any of them, appear to be unfit for food, may seize the same.

Meat subjected to the process of blowing shall be deemed unfit for food.

Power to destroy unwholesome articles.

366. Upon the seizure of any article of food under the last preceding section, the same may, if the owner or the person in whose possession the same is found consents, be forthwith destroyed or so disposed of as to prevent it being used as food; but if the owner or the person in whose possession the same is found do not consent, then, if it appear to the Chairman, Vice-Chairman, Health Officer, or any Commissioner to whom the same may be brought that the same is unfit for food, he shall order the same to be destroyed or so disposed of as to prevent it being used as food. And the Commissioners may, if they think fit, prosecute the owner or the person in whose possession the same is found, such person not being merely a carrier or bailee thereof, and he shall, upon conviction, be liable to a fine not exceeding Rs. 10.

Person refusing to sell any article to Commissioners liable to penalty.

367. If the Commissioners shall apply to purchase any article of food exposed to sale and shall tender the price for a quantity not more than shall be reasonably requisite for the

purpose of analysis, and the person exposing the same for sale shall refuse to sell the same, such person shall be liable to a penalty not exceeding Rs. 50.

Registry of shops for sale of drugs.

368. No shop or place shall be kept for the retail sale of drugs not being also articles of ordinary domestic consumption, unless the same shall have been registered in the office of the Commissioners. Any keeper of such shop or place failing to register the same within two months of the passing of this Act, or within two months from the date of the establishment of such place, shall be liable to a fine not exceeding Rs. 100. The Commissioners shall, upon registration, grant the keeper of such shop or place a license, which he shall be bound to display in some conspicuous part of his premises.

Certificated dispensers.

No person shall compound, mix, prepare, dispense, or sell any drug in any such registered shop or place unless he be duly certified as a fit person to be entrusted with such duties under rules made for that purpose by the Local Government.

Uncertificated persons dispensing drugs.

Any person not being a holder of such certificate, who shall compound, mix, prepare, or sell any drugs, in any such registered shop or place, shall, on conviction before a Magistrate, be liable to a fine not exceeding Rs. 50 for each offence, and any owner, occupier or keeper of any such shop or place who shall employ any such uncertified person to perform any one or more of such duties shall, on conviction before a Magistrate, be liable to a fine not exceeding Rs. 200, and shall be further liable, at the discretion of such Magistrate, to forfeit his license.

Nothing in this section contained shall be construed to apply to the sale of drugs used by practitioners of indigenous medicines when such drugs are not sold in a shop or place where medicines are dispensed upon prescription.

Inspection of drugs.

369. The Commissioners may, at all reasonable times, enter into and inspect any place kept for the sale of drugs, or in which drugs are sold, and

if they have reason to suspect that any drug in the said place is adulterated, or by reason of age, or the effect of climate, has become inert or unwholesome, or has otherwise become deteriorated in such a manner as to lessen its efficacy, to change its operation, or to render it noxious, may remove the same on giving a receipt specifying the nature and quantity of the drug removed and its approximate value; and if it appear to any Magistrate that the said drug removed as aforesaid is adulterated, or has become inert, unwholesome, or deteriorated, as aforesaid, he may order the same to be destroyed, or to be so disposed of as to him may seem fit. If it shall appear to the Magistrate that the drug so removed is not adulterated or has not become inert, unwholesome, or deteriorated as aforesaid, the person from whose shop or place it has been taken shall be entitled to have it restored to him, and it shall be in the discretion of the Magistrate to award him such compensation, not exceeding the actual loss which has been sustained, as the Magistrate may think proper.

Compensation if drug be not adulterated.

If the drug removed as aforesaid is not brought before a Magistrate, it shall be restored to the person from whose shop or place it was taken, and such person shall be entitled to compensation for any actual loss which he may have sustained by the removal of the said drug, and any dispute which may arise touching the amount of compensation to be given shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

PART VII.—*Of Weights and Measures.*

370. The Commissioners shall, from time to time, provide such local standards of measure and weight as they deem requisite for the purpose of verification of weights and measures in use in Calcutta, and shall make such arrangements as they shall think fit for the safe keeping of the said standards.

Provision of standards of local weights and measures.

The Commissioners shall also provide from time to time proper means for verifying weights and measures by comparison with the said standards, and for stamping the weights and measures so verified.

Verification and stamping of weights and measures by municipal officer.

371. The Commissioners shall, from time to time, fix the times and places at which some municipal officer appointed by them in this behalf shall attend for the purpose of the verification of weights and measures.

The municipal officer so appointed shall attend with the local standards in his custody at each time and place fixed, and shall examine every measure or weight which is of the same denomination as one of such standards and is brought to him for the purpose of verification and compare the same with that standard, and, if he find the same correct, shall stamp it with a stamp of verification in such manner as best to prevent fraud.

The said municipal officer shall enter in a book kept by him minutes of every such verification, and give, if required, a certificate under his hand of every such stamping.

Fees for comparison and stamping.

372. There shall be payable to the Commissioners in respect of the verification and stamping of weights and measures by a municipal officer as aforesaid such fees as the Commissioners in meeting may, from time to time, fix in this behalf.

Part VIII—*Of Burial and Burning Grounds.*

Burial and burning grounds to be registered.

373. The Commissioners may, if they think fit, cause a survey and measurement to be made of every public burial and burning ground, and every place used as such; and every burial and burning ground and every place used as such shall be registered by the owner or the person having the control thereof, who, if it is not a public burial or burning ground, shall, if required by the Commissioners so to do, deposit a plan thereof in the Municipal office within three months. If there be no owner or person authorized to control the same, the registration may be made by order of the Commissioners in a book to be kept by them for that purpose.

Penalty.

374. Whoever uses any such place as is mentioned in the last preceding section without the same being registered or without a plan having been deposited, when required by the Commissioners, within the

period prescribed in the last preceding section, shall be liable to a fine not exceeding Rs. 100, and to a further fine, not exceeding Rs. 50, for each day during which the offence is continued after he has been convicted of such offence.

Registers of burials and cremations to be kept.

375. Every person having the control of a burial or burning ground shall keep a register of all burials or cremations therein, in which shall be entered the particulars required to be entered in the certificate referred to in section one hundred and ninety, and the Commissioners shall at all times have access to such register.

Penalty.

376. Whoever buries or burns, or causes, procures, or suffers to be buried or burned, any corpse in or on any ground not registered as a burial or burning ground, or without registering the burial or cremation under the last preceding section, shall be liable to a fine not exceeding Rs. 100.

Unauthorized places not to be used for burial or burning.

377. No burial or burning ground, whether public or private, shall be made or used, or having fallen into disuse, shall be again used as such, otherwise than by, or under the authority of, the Local Government without a license, describing the extent and boundaries thereof, previously obtained from the Commissioners in meeting, who may at their discretion, from time to time, grant such license.

Commissioners in meeting may provide burial and burning grounds, and fix fees.

378. The Commissioners in meeting may from time to time, out of the General Fund, provide fitting places to be used as burial or burning grounds, and may fix a scale of fees in respect of burials and cremations within such burial or burning grounds.

No vault or burial or burning place henceforth to be constructed without leave of the Commissioners.

379. No vault or grave shall be made within the walls of, or underneath, any church, chapel, or other place of public worship, without the permission of the Commissioners except by order of the Local Government.

Penalty.

380. Whoever buries or burns, or causes, permits or suffers to be buried or burned, any corpse in any vault, grave, or burial, or burning ground

opened, made, or formed without such license, or contrary to the terms thereof, shall be liable to a fine not exceeding Rs. 500.

Commissioners in meeting to issue certificates prohibiting the use of improper burial and burning places.

381. If the Commissioners in meeting, with the sanction of the Local Government, shall certify, in manner hereinafter provided, that any burial ground or place of burial, or that any place used for the burning of corpses, is in such a state as to be dangerous to the health of persons living in the neighbourhood thereof;

or that any church or other place of public worship is dangerous to the health of persons frequenting the same, by reason of the state of the vaults or graves within the walls of, or underneath, the same, or in any churchyard or burial ground adjacent thereto;

and shall also certify that a fitting place for interment or burning (as the case may be) exists within a convenient distance and is available, no person shall, after a time (not less than two months) to be named in such certificate, bury or burn, or permit or suffer to be buried or burned, any corpse in, upon, within or under the ground, church, or place of worship to which the certificate relates, except in so far as may be allowed by such certificate.

Every such certificate shall be published in the *Calcutta Gazette*, and a translation thereof in Bengali shall, in the case of a burial or burning ground, be affixed conspicuously on some part of the said ground.

Penalty.

382. Whoever, after due publication of such certificate, buries or burns, or causes, permits or suffers to be buried or burned, any corpse contrary to the last preceding section, shall be liable to a fine not exceeding Rs. 200.

Commissioners may, in certain cases, permit interment in churches.

383. Notwithstanding any certificate under section three hundred and eighty-one where, by usage or otherwise, there is any right of interment in or under any church or chapel, or in any vault or such church or chapel, or of any churchyard, burial

ground, or place of burial affected by such certificate, or where any exclusive right of interment, or any exclusive right to ground for the purpose of interment, has been purchased or acquired, the Commissioners may, if on application made to them, they are satisfied that the exercise of such right or the use of such ground will not be injurious to health, grant a license for such exercise or use during such time and subject to such conditions and restrictions as they may think fit.

Power to license fuel shops at burning grounds.

384. The Commissioners shall, from time to time, grant licenses to persons applying for such, for the sale at burning grounds, of fuel and other articles used for the cremation of dead bodies, and shall in meeting prescribe a scale of rates for the sale of such articles; and any person not so licensed who shall, within three hundred yards of any such burning ground, sell or offer for sale any such fuel or other articles, shall be liable to a fine not exceeding Rs. 50.

The Commissioners may, on good and sufficient cause, revoke or withdraw any such license they may think fit, and any person to whom any such license is granted, who shall charge for the sale of any such article any higher rate than the rate fixed for such article in such scale, shall, at the discretion of the Commissioners, be liable to have his license cancelled, and shall also be liable to a fine not exceeding Rs. 10.

The Commissioners shall not be bound to grant a fresh license to any person whose license may have been revoked, withdrawn or cancelled under the provisions of this section.

PART IX.—*Of Nuisances.*

Nuisances which may be dealt with summarily.

385. The following nuisances shall be deemed to be nuisances liable to be dealt with summarily in manner provided by this Chapter:—

(*a*). Any premises in such a state as to be a nuisance or injurious to health:

(*b*). Any tank, well, ditch, gutter, water course, privy, urinal, cesspool, or drain so foul or in such a state as to be a nuisance or injurious to health:

(*c*). Any animal so kept as to be a nuisance or injurious to health:

(*d*). Any accumulation or deposit which is a nuisance or injurious to health:

(*e*). Any house or part of a house so overcrowded as to be dangerous or injurious to the health of the inmates:

(*f*). Any factory, workshop or workplace not kept in a cleanly state, or not ventilated in such a manner as to render harmless, as far as practicable, any gases, vapours, dust or other impurities generated in the course of the work carried on therein that are a nuisance or injurious to health, or so overcrowded while work is carried on as to be dangerous or injurious to the health of those employed therein:

(*g*). Any fireplace or furnace which does not, as far as practicable, consume the smoke arising from the combustible used therein, and which is used for working engines by steam, or in any mill, factory, dye-house, brewery, bake-house, or gas-work, or in any manufacturing or trade process whatsoever, and any chimney (not being the chimney of a private dwelling-house) sending forth black smoke in such quantity as to be a nuisance:

Provided :—

1st.—That a penalty shall not be imposed on any person in respect of any accumulation or deposit necessary for the effectual carrying on of any business or manufacture, if it be proved to the satisfaction of the Magistrate that the accumulation or deposit has not been kept longer than is necessary for the purposes of the business or manufacture, and that the best available means have been taken for preventing injury thereby to the public health.

2nd.—That where a person is summoned before any Magistrate in respect of a nuisance arising from a

fireplace or furnace which does not consume the smoke arising from the combustible used in such fireplace or furnace, the Magistrate shall hold that no nuisance is created within the meaning of this Act and dismiss the complaint, if he is satified that such fireplace or furnace was constructed before the passing of this Act, and in such manner as to consume as far as practicable, having regard to the nature of the manufacture or trade, all smoke arising therefrom, and that such fireplace or furnace has been carefully attended to by the person having the charge thereof.

Information of nuisances.

386. Information of any nuisance, referred to in the last preceding section, existing in Calcutta, may be given to the Commissioners by any person aggrieved thereby or by any officer of the Commissioners.

Commissioners to serve a notice in case of nuisance.

387. On the receipt of any information respecting the existence of a nuisance, the Commissioners shall, if satisfied of the existence of a nuisance, serve a notice on the person by whose act, default, or sufferance the nuisance arises or continues, or if such person cannot be found on the owner or occupier of the premises on which the nuisance arises, requiring him to abate the same within a time to be specified in the notice, and to execute such works and do such things as may be necessary for that purpose.

Provided:—

1st.—That where the nuisance arises from the want or defective construction of any structural convenience, or where there is no occupier of the premises, notice under this section shall be served on the owner.

2nd.—That where the person causing the nuisance cannot be found, and it is clear that the nuisance does not arise or continue by the act, default or sufferance of the owner or occupier of the premises, the Commissioners may themselves abate the same without further order.

388. If the person on whom a notice to abate a nuisance has been served makes default in complying with any of the requisitions thereof within the time specified, or if the nuisance, although abated since the service of the notice, is, in the opinion of the Commissioners, likely to recur on the same premises, the Commissioners may cause a complaint relating to such nuisance to be made before a Magistrate, and such Magistrate shall thereupon issue a summons requiring the person on whom the notice was served to appear before him.

Where notice insufficient, Commissioners may prefer a complaint.

389. If the Magistrate is satisfied that the alleged nuisance exists, or that, although abated, it is likely to recur on the same premises, the Magistrate shall make an order on such person requiring him to comply with all or any of the requisitions of the notice or otherwise to abate the nuisance within a time specified in the order, and to do any works necessary for that purpose; or an order prohibiting the recurrence of the nuisance and directing the execution of any works necessary to prevent the recurrence; or an order both requiring abatement and prohibiting the recurrence of the nuisance.

Magistrate's order.

The Magistrate may, by his order, impose a penalty not exceeding Rs. 50 on the person on whom the order is made.

390. Where the nuisance proved to exist is such as to render a house or building, in the judgment of the Magistrate, unfit for human habitation, the Magistrate may prohibit the using thereof for that purpose, until, in his judgment, the house or building is rendered fit for that purpose; and on the Magistrate being satisfied that it has been rendered fit for that purpose, the Magistrate may determine his previous order by another declaring the house or building habitable, and from the date thereof such house or building may be let or inhabited.

Order when a building is unfit for habitation.

391. Any person not obeying an order to comply with the requisition of the Commissioners or otherwise to abate the nuisance, shall, if he fails to satisfy the Magistrate that he has used all due diligence

Penalties for disobedience of orders.

to carry out such order, be liable to a penalty not exceeding Rs. 5 per diem during his default; and any person knowingly and wilfully acting contrary to an order of prohibition, shall be liable to a penalty not exceeding Rs. 10 per diem during such contrary action; moreover, the Commissioners may enter the premises to which any order relates, and abate the nuisance, and do whatever may be necessary in execution of such order, and recover the expenses incurred by them from the person on whom the order is made.

This Part, as regards nuisances, not to affect rights under other law.

392. The provisions of this Part relating to nuisances shall be deemed to be in addition to, and not to abridge or affect any right, remedy or proceeding under any other law for the time being in force:

Provided that no person shall be punished for the same offence both under the provisions of this Part and under any other law.

CHAPTER XIII.

OF THE GENERAL POWERS OF THE COMMISSIONERS.

PART I.—*Of the Rights of Entry.*

Power to enter upon house and and for the purposes of this Act.

393. The Commissioners shall, for the purposes of this Act, have power, between sunrise and sunset, to enter upon any house or land for the purpose of making any inspection, survey, measurement, valuation or enquiry necessary for the discharge of any duty imposed upon them by this Act, or for the purpose of executing any work authorized by this Act, or by any bye-law as aforesaid, to be executed by them without being liable to any legal proceedings or molestation whatsoever on account of such entry, or of anything done on such house or land in pursuance of this Act:

Provided that, except as herein otherwise provided, the Commissioners shall not enter upon any house or land which may be occupied at the time, unless with the consent of the occupier thereof, without previously giving the said occupier twenty-four hours' notice in writing of their intention so to do.

394. The Commissioners may enter upon the land of any person adjoining to, or being within the distance of one hundred yards of, any works by this Act authorized to be executed for the purpose of depositing upon such land any soil, gravel, sand, lime, brick, stone, or other materials, or for obtaining access to any such works, or for any other purposes connected with the formation of the said works, without making any previous payment, tender, or deposit, doing as little damage as may be in the exercise of the several powers hereby granted to them, and making compensation for such temporary occupation of, or temporary damage to, the said land to the owner and occupier thereof from time to time, and as often as any such temporary occupation shall be taken, or such temporary damage done, and making compensation to the owner also for the permanent injury (if any) to such land;

Power to Commissioners to enter on lands adjacent to work.

and if any dispute shall arise touching the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses:

Provided that, before the Commissioners make any such temporary use as aforesaid of any land adjoining or lying near to the said works, they shall give three days' notice in writing of their intention to the owner and occupier of such land, and shall, if required so to do by the owner or occupier, set apart by sufficient fences, so much of the land as shall be required to be used as aforesaid.

395. For the purpose of laying pipes or constructing aqueducts for bringing water into Calcutta from any place beyond the limits thereof, or for the purpose of making sewers or drains to communicate with, or empty themselves into, any public sewer, lake, stream, canal, or water-course, without the said limits, the Commissioners may, whenever a plan for laying down any such pipes or constructing any such aqueduct, sewer, or drain, shall have been approved by the Local Government, exercise, in the laying of such pipes and construc-

Powers to be exercised by Commissioners when constructing drains and aqueducts without the town.

tion of such aqueduct, sewer, or drain throughout the line of country through which the said pipes, aqueduct, sewer, or drain are to run, all the powers which by this Act they may exercise within the limits of Calcutta, and which may be necessary for the laying of such pipes, or the construction of such aqueduct, sewer, or drain without being subject to any action or molestation whatever for so doing;

and the Magistrate of any district through which the said pipes, aqueduct, sewer, or drain are to run may exercise in respect thereof the like powers and jurisdiction, within the limits of his own district, as a Magistrate may under this Act exercise in respect of any work to be executed by the Commissioners in Calcutta.

Penalty for obstructing persons employed by Commissioners in their duty.

396. Whoever at any time obstructs or molests any person employed by the Commissioners (not being a public servant within the meaning of section twenty-one of the Indian Penal Code), or any person with whom they may have contracted under the provisions of this Act, in the performance and execution of their or his duty, or of anything which they are respectively empowered or required to do by virtue or in consequence of this Act; or removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorized by this Act, shall be liable to a fine not exceeding Rs. 200, or, in the discretion of the Magistrate by whom he is convicted, to imprisonment, either rigorous or simple, for any term not exceeding two months.

PART II.—*Of the Acquisition and Disposal of Land.*

Commissioners in meeting may acquire and dispose of any land for the purposes of this Act.

397. The Commissioners in meeting may acquire any land whether within or without Calcutta, for any of the purposes of this Act, and may dispose of land vested in them, and the Commissioners may receive the rent of any land leased by them on such terms as they may think fit.

Commissioners in meeting may rent and take on lease land.

398. The Commissioners in meeting may, from time to time, pay rent for, or take on lease, on such terms as they may think fit, any land required for the purposes of this Act.

399. Any land required for the purposes of this Act may be acquired under the provisions of the Land Acquisition Act, 1870, or any similar Act for the time being in force for the acquisition of land for public purposes; and on payment by the Commissioners, out of the General Fund, of the compensation payable under that Act and of the charges reasonably incurred by the Collector in respect of the proceedings thereunder, such land shall vest in them for the purposes of this Act.

Land may be acquired under Land Acquisition Act.

PART III.—*Of Railways.*

400. The Commissioners in meeting may, upon any of the public streets within Calcutta, or upon any land within or without Calcutta, which is vested in the Commissioners, construct or maintain any railway or tramway which may appear to them to be useful or necessary for the purposes of this Act,

Power to construct and maintain railway or tramway.

and use and employ upon any such railway or tramway by them heretofore constructed or hereafter to be constructed, such locomotive engines or other moving power, and such carriages and wagons to be drawn or propelled thereby,

carry and convey upon such railway all such passengers and goods as shall be offered to them for that purpose,

and make such reasonable charges in respect thereof as they may, from time to time, determine upon.

401. The Commissioners in meeting, from time to time, may enter into any contract with any person for the passage over any railway already constructed by the Commissioners or hereafter to be constructed by them, of the engines, wagons, or other carriages of such person, upon the payment of such tolls or rent, and under such conditions and restrictions as may be mutually agreed upon.

Power to permit carriages to run on railway.

402. The Commissioners in meeting may lease any railway constructed or to be constructed by them under the provisions hereinbefore contained to any person upon such terms and under such conditions and

Power to lease railway.

restrictions as may be mutually agreed upon; and every person to whom any such railway shall be so leased by the Commissioners shall, subject to such conditions and restrictions as aforesaid, have all such and the same powers of maintaining the same, and for using and employing thereupon locomotive engines and other moving power, and carriages and wagons to be drawn or propelled thereby, and for carrying and conveying thereupon passengers and goods, and making charges in respect thereof, as the Commissioners would have had if such railway had not been leased.

The Commissioners in meeting may, from time to time, enter into any contract with any person for the purpose of the construction of any railway within or without Calcutta and for the purpose of maintaining and working of the same.

Powers conferred by this Part subject to sanction of Governor-General in Council.

403. All the powers conferred under this Part shall be exercised with the previous sanction of the Governor-General in Council.

CHAPTER XIV.

OF THE MUNICIPAL DEBT.

Power to Commissioners at a special meeting to borrow on the security of rates and taxes.

404. For the construction of works of a permanent nature under this Act, the Commissioners at a special meeting may, with the sanction of the Governor-General in Council, from time to time borrow by way of debenture, on the security of the rates, taxes, and dues imposed and levied on account of the Municipal Fund, or of a portion of them, and at such rate of interest and upon such terms as to the time of repayment and otherwise as the Governor-General in Council may approve, any sums of money the Commissioners may require for the objects aforesaid.

Form of security.

405. All the debentures aforesaid issued under the authority of this Act shall be in the form prescribed in the Twelfth Schedule, or in such other form as the Commissioners in meeting, with the previous sanction of the Governor-General in Council, may determine, and shall be transferable by endorsement, and the right to sue in respect of the

moneys secured by any of such debentures shall be vested in the holders thereof for the time being without any preference by reason of some of such debentures being prior in date to others.

Payment of moneys due on old debentures by issue of fresh debentures.

406. The Commissioners in meeting may at any time, with the sanction of the Governor-General in Council, raise, by the issue of new debentures, any money that may be required to pay any moneys for the time being due on any debentures issued under the authority of this Act, or of any enactment hereby expressly repealed.

Establishment of reserve funds.

407. The Commissioners shall set aside quarterly out of their income, before making any disbursements in respect thereof,

such sum as may be required for the payment of the interest and instalments payable to the reserve funds which may fall due within the quarter on any debentures issued under the authority of this Act, or of any enactment hereby expressly repealed.

The instalments payable to the reserve funds shall be at the rate of one per cent. per annum on the aggregate unpaid sum borrowed by the Commissioners after the first day of April, 1881, and at the rate of two per cent. per annum on the unpaid balance of all debenture loans contracted before that date.

Surplus to be invested.

408. The Commissioners shall apply the reserve set aside under the last preceding section so far as it is required or so far as it extends to repay such debenture loans issued by them as shall fall due in the course of the year and shall invest the surplus (if any) of the said sum, after repayment as aforesaid, or in case there has not been any amount due or paid in respect of such loans or debentures during the year, then they shall invest the whole of the said sum in Government securities, or in any securities guaranteed by Government, or in Calcutta municipal debentures, in the names of the Secretary to the Government of Bengal in the Financial Department and the Accountant-General of Bengal respectively for the time being, to be by them held as Trustees for the purpose of repaying at due date from time to time the

several loans contracted or debentures issued by the Commissioners. And all moneys and securities now held by any Trustees for the Commissioners, for the purpose of paying off any sums borrowed by them, not being sums borrowed from the Secretary of State for India in Council, shall be held by them upon the trusts hereinbefore declared.

All interest accruing due to the Trustees shall also from time to time be invested by them in like manner and held upon the like trust:

Provided always that the accounts of the fund formed by the payments made at the rate of two per cent. per annum and the fund formed by the payments made at the rate of one per cent. per annum shall be kept separate and distinct, and each reserve fund shall only be applied to paying off the debentures on account of which the instalments are payable.

Appropriation of reserve fund.

409. The Trustees shall from time to time, whenever any loans or debentures shall fall due by the Commissioners, realize the whole or a sufficient portion of the securities held by them as aforesaid on account of the reserve fund applicable to liquidate such loans or debentures and apply the sale proceeds thereof, so far as the same will extend, to satisfy such loans or debentures. The Trustees shall, at the end of every year, submit a statement to the Commissioners showing the amount which has been invested during the year under section four hundred and eight, and setting forth the date of the last investment made previous thereto, and also the aggregate amount of the securities then in their hands, and the aggregate amount which has up to the date thereof been paid off in respect of the said debentures and loans.

Account of reserve fund.

Such statement shall be laid before the Commissioners in meeting and published in the *Calcutta Gazette.*

Limit imposed on debenture loans.

410. The total sum borrowed by the Commissioners by way of debenture loans under this or any preceding Act shall not exceed such an amount that the sum payable thereon annually by

way of interest and as instalments due to the reserve funds shall be more than ten per cent. on the annual valuation of Calcutta.

411. Nothing in this Chapter shall be construed to prevent the Commissioners in meeting from inviting tenders at any time for a new loan to be called the "Municipal Consolidated Loan" on such terms as may be approved by the Governor-General in Council, and also inviting holders of municipal debentures to exchange their debentures for such Municipal Consolidated Loan stock at such rates as the Commissioners may consider fair and the Governor-General in Council may approve. The scrip of such stock shall be in such form as the Commissioners in meeting, with the previous sanction of the Governor-General in Council, may prescribe. The Commissioners shall repay such Consolidated Loan by annual payments at a rate of not less than one-sixtieth of the unpaid balance in each year in lieu of contributing to a reserve fund under section four hundred and seven, and the stock to be paid off shall be purchased in the open market; and the provisions of section four hundred and seven shall apply to the sums necessary to make such annual payment:

Commissioners in meeting may consolidate their loans.

Provided that, if during any year no stock is obtainable in the open market at, or below, its par value, it shall not be obligatory on the Commissioners to make repayment until such stock is obtainable in the open market at, or below, its par value.

CHAPTER XV.

OF BYE-LAWS.

142. The Commissioners in meeting may, from time to time, make bye-laws, not inconsistent with the provisions of this Act, with regard to—

Power to make bye-laws.

(a) all matters and things connected with the supply and use of water;

(b) the time and place of bathing for persons of each sex in places provided or set apart for bathing purposes;

(c) the deposit, whether in the public streets or otherwise, of rubbish and offensive matter, the removing and

carrying away of the same, and charging the person responsible for such deposit with the expenses of removing it;

(*d*) the conditions under which persons shall be permitted to drive registered carts;

(*e*) the height and mode of construction of buildings;

(*f*) ventilation and the extent to which space must be left for the free circulation of air as required by the provisions of section two hundred and forty-three;

(*g*) drainage, cess-pools, privies, cowhouses and stables;

(*h*) the management, inspection and scale of fees to be charged for the use of places provided under the provisions of sections three hundred and forty-one, and three hundred and forty-five;

(*i*) the inspection and management, and conduct of, business in markets and the keeping the same in a proper, orderly, and cleanly state;

(*j*) the inspection of places used for any of the purposes mentioned in section three hundred and forty-six, and the management and conduct of business in the same;

(*k*) theatres and other places of public resort, recreation, and amusement;

(*l*) lodging-houses, public laundries, dairies and licensed cowhouses and stables;

(*m*) securing the cleanliness of milk-stores, milk-shops, and milk-vessels used for keeping or conveying milk;

(*n*) the inspection and management of burial and burning grounds:

and generally for carrying out the purposes of this Act.

And to repeal or alter them.

413. The Commissioners in meeting may, from time to time, repeal, alter, or add to, any bye-laws made under the last preceding section.

Bye-laws and alterations of them to be confirmed by Local Government.

414. No bye-law, and no repeal or alteration of, or addition to, any bye-law, shall have effect until the same has been confirmed by the Local Government.

415. No bye-law, and no repeal or alteration of, or addition to, any bye-law shall be confirmed until the same has been published in the English and Bengali Government Gazettes at least three times, nor till one month has elapsed from the date of the first publication, during which period a copy of such proposed bye-law, or the repeal or alteration of, or addition to, any bye-law shall be kept at the office of the Commissioners; and all persons may at any time between ten o'clock in the forenoon and five o'clock in the afternoon inspect such copy without fee.

Bye-laws and alterations of them to be published before confirmation.

416. Every bye-law, and every repeal or alteration of, or addition to, any bye-law, when confirmed, shall be published in the English and Bengali Government Gazettes.

After confirmation, bye-laws to be published in Gazette.

417. Whoever infringes any bye-law made and confirmed, or any rule made and sanctioned under this Act, shall be liable to a fine not exceeding Rs. 20, and to a further fine not exceeding Rs. 10, for each day during which the offence is continued after he has been convicted of such offence.

Penalty.

CHAPTER XVI.

OF PROSECUTIONS.

418. Every prosecution under this Act may be instituted by the Commissioners before any Magistrate having jurisdiction, who may summon the persons charged to appear at a time and place to be mentioned in the summons; and if such person do not appear, the Magistrate may, upon proof of service of the summons if no sufficient cause shall be shown for the non-appearance of the person charged, proceed to hear and determine the case in his absence. If such person do appear, then the procedure laid down in the Code of Criminal Procedure of 1882 from section two hundred and forty-two to section two hundred and forty-eight shall be followed.

Prosecutions.

All fines imposed by a Magistrate under this Act shall be levied under the provisions of sections three hundred and eighty-six, three hundred and eighty-seven, three hundred and eighty-eight, and three hundred and eighty-nine of the said Code.

Complaint to be made within three months of the offence.

419. No person shall be liable to any fine under this Act for any offence cognizable by a Magistrate unless the complaint respecting such offence shall have been made within three months next after the commission of such offence:

Provided that the failure to take out any license under this Act shall be deemed to be a continuing offence until the expiration of the period for which such license is required to be taken out.

Person doing damage to the property of the Commissioners to make good the same.

420. If, through any act, neglect, or default on account whereof any person shall have been fined under this Act, any damage to the property of the Commissioners shall have been committed by such person, he shall be liable to make good such damage, as well as to pay such fine.

And the amount of such damage shall be determined by the Magistrate by whom such person has been fined;

and on default of payment of the amount of such damage on demand, the same may be levied in the same manner as a fine.

Magistrate may award compensation for groundless prosecution.

421. In any case in which a Magistrate is satisfied that the Commissioners had no reasonable ground for instituting a prosecution, it shall be lawful for such Magistrate to direct the Commissioners to pay to the accused such compensation, not exceeding Rs. 50, as he thinks fit, and the sum so awarded shall be recoverable as if it were a fine.

Magistrates appointed to try municipal cases to be paid out of General Fund.

422. The Local Government may, at the request of the Commissioners in meeting, appoint one or more Magistrates for the trial of offences against the provisions of this Act, and may, by rule, prescribe the times and places at which such Magistrate or Magistrates shall sit for the despatch of business. Such Magistrate or Magistrates shall be paid such salary out of the General Fund as the Local Government may, from time to time, prescribe.

CHAPTER XVII.

OF THE RECOVERY OF DAMAGES AND EXPENSES.

Damages and expenses how to be determined.

423. Where any damages, costs, or expenses are by this Act directed to be paid, the amount, and, if necessary, the apportionment of the same in case of dispute, shall be ascertained and determined by a Court of Small Causes.

Method of proceeding before a Judge of Court of Small Causes.

424. In any case which is to be determined by a Court of Small Causes under this Act, the said Court may, on the application of either party, summon the other party to appear at a time and place to be named in such summons.

Upon the appearance of the parties, or, in the absence of any of them, upon proof of due service of the summons, the said Court may hear and determine such question, and for that purpose may examine such parties, or any of them, and their witnesses on oath; and the costs of every such enquiry shall be in the discretion of the said Court which shall determine the amount thereof.

Recovery of damages by distress.

425. If the amount of damages, costs, or expenses ascertained in the manner above described be not paid by the party liable to pay the same within seven days after demand, such amount may be recovered, under a warrant of the said Court, by distress and sale of the moveable property of such party; and the surplus arising from the sale thereof, after satisfying such amount and the costs of the distress and sale, shall be returned on demand to the party whose property shall have been distrained.

Commissioners may sue in any competent Court instead of realizing by, or on failure of, distress.

426. Instead of proceeding by distress and sale, and in case of failure to realize by distress the whole or any part of any expenses, charges, or damages awarded under the provisions of this Act, the Commissioners may sue the person liable to pay the same in any Court of competent jurisdiction.

CHAPTER XVIII.

MISCELLANEOUS.

Limitation of three months to suit against Commissioners or their officers.

427. No suit shall be brought against the Commissioners, or any of their officers, or any person acting under their direction, for anything done, or purporting to be done, under this Act until the expiration of one month next after notice in writing has been delivered or left at the office of the Commissioners, or at the place of abode of such person, stating the cause of suit and the name and place of abode of the intending plaintiff.

Unless such notice be proved, the Court shall find for the defendant.

Every such suit shall be commenced within three months next after accrual of the right to sue and not afterwards.

If any person to whom any such notice of suit is given shall, before the suit is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover in any such action when brought; and if no such tender shall have been made, it shall be lawful for the defendant in such action to pay into Court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into Court.

Payment for damage done by Commissioners.

428. The Commissioners may make compensation to all persons sustaining any damage by reason of the exercise of any of the powers vested in the Commissioners, their officers or servants under this Act.

Fees for licenses under sections three hundred and eleven and three hundred and forty-one, and for permission given under section two hundred and twenty-three.

429. When any license is granted under section three hundred and eleven or three hundred and forty-one authorizing the use of any place for any of the purposes therein described, and when permission is given under section two hundred and twenty-three for putting up any projection, the Commissioners may charge a fee not exceeding Rs. 500 for such license or permission.

When permission is given under section two hundred and twelve to make any temporary erection, the Commissioners may charge a daily fee not exceeding Rs. 100 for such permission.

Daily fee for permission given under section two hundred and twelve.

430. When permission is given under sections two hundred and twenty-nine or two hundred and forty-five, the Commissioners may charge rent for any land made use of in pursuance of such permission.

Rent may be charged for permission given under sections two hundred and twenty-nine and two hundred and forty-five.

431. Every person to whom a license has been granted under this Act shall, at all reasonable times while such license shall remain in force, if required to do so, by the Commissioners, or by any person authorized by them in that behalf, produce such license.

Every person to produce license if required.

432. Whoever fails to produce his license when required so to do as aforesaid shall be liable to a fine not exceeding Rs. 50, and to a further fine, not exceeding Rs. 10, for each day during which the offence is continued after he has been convicted of such offence.

Penalty.

433. The Commissioners may, from time to time, prepare or sanction forms of the various notices required by this Act, and may, from time to time, make such alterations therein as they deem requisite, and they shall cause every such form to be sealed with the seal of the Corporation, and any notice made on a form sanctioned by the Commissioners shall in all proceedings be held sufficient in law.

Preparation of Forms.

434. Every notice, bill, form, summons, or notice of demand under this Act may be served personally on, or presented to, the person to whom the same is addressed or be left at his usual place of abode with some adult male member or servant of his family, or at his place of business with some clerk of the office, or if it cannot be so served or presented, may be put on some conspicuous part of his place of abode, or of his place of business, or of the house or land in respect of which the notice, bill form, summons, or notice of demand is intended to be served.

How notice may be served.

435. Where any notice is required to be given to the owner or occupier of any house or land, such notice, addressed to the owner or occupier as the case may require, may be served on the occupier of such house or land, or otherwise in the manner in the last preceding section mentioned:

Service of notice on owners and occupiers of house and land.

Provided that, when the owner and his place of abode are registered under section one hundred and twenty-eight, they shall, if such place of abode be in Calcutta, cause every notice required to be given to the owner of any house or land to be served on such owner or left with some adult male member or servant of his family;

and if the place of abode of the owner be not in Calcutta, they shall send every such notice by post in a registered cover addressed to his place of abode, and the same shall be deemed to be good service of the notice.

When the name of the owner or occupier is not registered, it shall be sufficient to designate him as "the owner" or "the occupier" of the house or land in respect of which the notice is served.

When there are several owners or occupiers of any premises, the Commissioners may, at any time, call upon such owners or occupiers to appoint, within thirty days, one of their number to receive notices on behalf of the rest; otherwise the Commissioners shall serve a separate notice on each owner or occupier who has registered, or who has applied to register, his name under section one hundred and twenty-eight.

436. Whenever it is provided by this Act that the Commissioners may require the owner or occupier of any house or land to execute any work or take order with any property under his control, such requisition shall, unless otherwise provided by this Act, be made by a notice to be served in the manner provided by the last preceding section. Such notice shall specify a period within which the requisition is to be complied with, and if no period is provided by this Act, the period specified

Notice to state a time within which it is to be complied with.

shall be a reasonable period having regard to the circumstances under which it is issued.

Every such notice shall state that, if the person to whom it is addressed fails to comply therewith or to satisfy the Commissioners within the specified period that it should be withdrawn or modified, the Commissioners will enter upon the premises and execute the work or take the necessary order with the property, and that the expense thereby incurred will be recovered from the person to whom it is addressed.

If any objection is preferred further time to be granted.

437. Any person upon whom such notice as is referred to in the last preceding section is served may prefer an objection in writing addressed to the Commissioners stating the grounds upon which such notice should be withdrawn or modified, and if preferred in time to admit of orders being passed upon the objection before the period specified in the notice expires, the execution of the work may be postponed until the Commissioners have passed orders upon the objection. If the objection is disallowed, a second notice shall be served upon the person who preferred the objection specifying a reasonable period within which the requisition is to be complied with.

Estimate of cost of work to be given on application.

438. Instead of preferring an objection, or at the time of preferring an objection any person upon whom such notice as is referred to in section four hundred and thirty-six is served may apply to the Commissioners for an estimate of the cost of the work if executed by the Commissioners, and upon such application the Commissioners shall supply such estimate.

Failure to supply an estimate—limits cost of work to Rs. 5.

439. If the Commissioners fail to supply an estimate as required by the provisions of the last preceding section, not more than Rs. 5 shall be charged by the Commissioners for any work executed by them on default by the person served with a notice to execute such work.

If the estimate exceeds Rs. 300, the work shall not be undertaken by the Commissioners on default until the expiry of ten

days from the date on which the estimate was supplied, and within seven days from such date the person to whom such estimate was supplied may apply in writing to have his objections to execute the work, or to the estimated cost of such work, determined by a Committee of the Commissioners, or by the Commissioners in meeting. If such application is made within the time specified, the Commissioners shall not undertake the work until the decision of the Committee of the Commissioners or the Commissioners shall have been given.

Commissioners, in default of owner or occupier, may execute works and recover expenses.

440. Subject to the above provisions, whenever any work is required by this Act or by any orders of the Commissioners lawfully issued to be executed by the owner or occupier of any house or land, and default is made in the execution of such work, the Commissioners, whether any penalty is or is not provided for such default, may cause such work to be executed;

and the expenses thereby incurred or incurred in any case in which the Commissioners are empowered to execute any work on behalf of an owner or occupier shall be paid by the person by whom such work ought to have been executed, or on whose behalf it is done, and in default of payment thereof the same may be recovered as a rate under Chapter VI.

Power to levy charges on occupier, who may deduct the same from his rent.

441. If the defaulter, as mentioned in the last preceding section, be the owner of any house or land, the Commissioners may, by way of additional remedy, whether any suit or proceeding has been brought or taken against any such owner or not, require the payment of all or any part of the expenses payable by the owner for the time being from the person who then, or at any time thereafter, occupies the house or land under such owner, and in default of payment thereof by such occupier on demand, the same may be recovered as a rate under Chapter VI;

and every such occupier shall be entitled to deduct from the rent payable by him to the owner so much as is so paid by, or recovered from, him in respect of any such expenses.

442. No occupier of any house or land shall be liable to pay more money in respect of any expenses charged by this Act on the owner thereof than the amount of rent due from him for the house or land in respect of which such expenses are payable at the time of the demand made upon him, or which, at any time after such demand, has accrued and become payable by him, unless he neglect or refuse, upon a requisition made to him for that purpose by the Commissioners, truly to disclose the amount of his rent, and the name and address of the person to whom such rent is payable ;

Occupier not to be liable for more than the amount of rent due.

but nothing in this section shall affect any special contract made between any such owner or occupier respecting the payment of the expenses of any such works as aforesaid.

443. Whenever any expenses incurred by the Commissioners are to be paid by the owners of any land as provided in section four hundred and forty, the Commissioners may, if there be more than one owner, apportion the said expenses among such of the owners as are registered under section one hundred and twenty-eight in such manner as to the Commissioners may seem fit. And whenever any such expenses are to be paid by the occupiers of any land as provided in section four hundred and forty, the Commissioners may, if there be more than one occupier, apportion the said expenses among such of the occupiers as are known in such manner as to the Commissioners may seem fit.

Commissioners may apportion expenses incurred on behalf of owners or occupiers amongst them.

444. Whenever any works or any alterations or improvements, of which the Commissioners are authorized to require the execution, are executed by the occupier on the requisition of the Commissioners or are executed by the Commissioners and the cost thereof is recovered from the occupier, the cost thereof may, if the Commissioners certify that such cost ought to be borne by the owner, be deducted by such occupier from the rent payable to such owner, or may be recovered by such occupier from the owner in any court of competent jurisdiction.

On certificate of the Commissioners occupier may recover expenses from owner.

445. Any owner or occupier of land may contest his liability to pay any expenses with which he may be charged under section four hundred and forty, or may contest the correctness of the amount which he has been called upon to pay in any court of competent jurisdiction:

Right of Commissioners to recover expenses under section four hundred and forty not barred by suit.

Provided that the institution of a suit shall in no way interfere with the right of the Commissioners to recover the amount demanded by them in the manner provided by section four hundred and forty.

446. Whenever default is made by the owner of any house or land in the execution of any work required to be executed by him, the occupier of such house or land may, with the approval of the Commissioners, cause such work to be executed;

Occupier, in default of owner, may execute works and deduct expenses from his rent.

and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

447. If the occupier of any house or land prevent the owner thereof from carrying into effect, in respect of any house or land, any of the provisions of this Act, after notice of his intention so to do has been given by the owner to such occupier, any Magistrate may, in writing, require such occupier to permit the owner to execute all such works with respect to such house or land as may be necessary for carrying this Act into effect;

Proceedings in case of tenants opposing the execution of this Act.

and if, after the expiration of eight days from the date of the order, such occupier continue to refuse to permit such owner to execute such works, every such owner, during the continuance of the refusal, shall be discharged from liability to any fines to which he might otherwise have become liable by reason of default in executing such works.

448. Whoever, being the occupier of any house or land, fails to comply with any requisition made by a Magistrate under the last preceding section, shall be liable to a fine not exceeding Rs. 50, and to a further fine, not exceeding Rs. 20, for each day during which

Penalty.

the offence is continued after he has been convicted of such offence.

449. Whenever by this Act any right is conferred or duty imposed on the owner or occupier of any premises, and doubt arises owing to there being gradations of owners or occupiers as to who is the owner or occupier entitled to exercise such right or bound to perform such duty, the Commissioners may, after due enquiry, determine from time to time which of such persons is thus entitled or bound:

When there are gradation of owners or occupiers, Commissioners empowered to determine which of such owners is to enjoy the rights, and perform duties which appertain to owners or occupiers under this Act.

Provided that if one of the persons regarding whom doubt exists is registered under section one hundred and twenty-eight as owner or occupier, such person shall be entitled to exercise such rights or bound to perform such duty till his name has been duly removed from the register.

450. No tax or rate on property made under this Act shall be invalid for defect of form, and it shall be enough in any such tax or rate, or any assessment of value for the purpose of making such tax or rate, if the property rated or assessed is so described as to be generally known, and it shall not be necessary to name the owner or occupier thereof.

Formal defects not to invalidate tax or assessment.

451. Whenever the Commissioners shall have incurred any expenses in the execution of any of the works which under sections two hundred and fifteen, two hundred and fifty-nine, two hundred and seventy-seven and two hundred and eighty-two, the owners of any houses or lands are required to execute, the Commissioners may either recover the amount of such expenses in the manner hereinbefore provided, or, if they think fit, may take engagements from the said owners for the quarterly payment of such sums as will be sufficient to defray the whole amount of the said expenses, with interest thereon at the rate of six per cent. per annum, within a period not exceeding five years, and such sums, when due, may be recovered as rates under Chapter VI.

Recovery of expenses on account of improvements to private property.

452. All police officers shall give immediate information to the Commissioners of any offence committed against this Act.

Police officers to report offences to Commissioners, and to arrest unknown offenders.

Any police officer may arrest any person committing in his view any offence against this Act if the name and the address of such person be unknown to him,

or if such person decline to give his name and address,

or if the police officer shall have reason to doubt the accuracy of such name and address if given.

And such person may be detained at the station-house until his name and address shall be correctly ascertained, or may be brought up at once before a Magistrate.

453. Any mehter or other servant of the Commissioners employed to remove or otherwise deal with sewage, offensive matter or rubbish, who shall, without the permission of the Commissioners, withdraw from his duties unless he has given notice in writing, not less than one month previously, of his intention so to withdraw, shall be punished with rigorous imprisonment for a term which may extend to three months, and shall forfeit any salary which may be due to him.

Penalty for mehter withdrawing from work without notice.

454. If the Local Government shall have determined that any portion of the environs of Calcutta shall be included in the water-supply authorized by this Act, and if the Local Government shall have declared the boundaries thereof by notification in the *Calcutta Gazette*, then in respect of such extension of such water-supply, the provisions of Chapter VII of this Act shall take effect one month after the publication of such notification ;

Certain provisions of Act may be extended.

and all such expenses and compensation as, under such Chapter and by the provisions of this Act, may be determined by a Court of Small Causes, may be ascertained and determined by any Court of Small Causes having jurisdiction within such boundaries; and all fines payable in respect of such sections, and under this Act, shall be enforced in the manner prescribed by sections three hundred and eighty-six, three hundred and eighty-seven and three hundred and eighty-nine of the Code of Criminal Procedure by the Magistrate having jurisdiction within such boundaries.

Houses used for public worship exempt from rates and taxes.

455. Houses used exclusively for purposes of public worship and public burial and burning grounds duly registered shall be exempt from all rates and taxes which under this Act may be imposed upon houses and land within Calcutta, and it shall be lawful for the Commissioners to exempt the owner of any hut from payment of all or any rate in respect of such hut.

Saving clause.

456. Nothing in this Act contained shall be construed to—

(*a*) render lawful any act or omission on the part of any person which, but for this Act, would by law be deemed to be a nuisance :

(*b*) exempt any person guilty of nuisance from a suit in respect thereof :

(*c*) affect any enactment not hereby expressly repealed.

Notification of intention to alter limits of Calcutta.

457. The Local Government may, by notification published in the *Calcutta Gazette*, and in such other manner as the Local Government may determine, declare its intention—

(*a*) to exclude from Calcutta any local area not being within the ordinary original jurisdiction of the High Court at Fort William in Bengal;

(*b*) at the request of the Commissioners in meeting to include within Calcutta any local area in the vicinity of the same and defined in the notification :—

Provided that, where the local area is a military cantonment or part of a military cantonment, a notification shall not be published under this section in respect of it without the previous sanction of the Governor-General in Council.

Alteration of limits of Calcutta.

458. Any inhabitant of Calcutta or of a local area in respect of which a notification has been published in the *Calcutta Gazette* under the last preceding section may, if he objects to the alteration proposed, submit his objection in writing to the Local Government within six weeks from the publication of the notification in the *Calcutta Gazette*, and the Local Government shall take his objection into consideration.

When six weeks from the publication of the notification in the *Calcutta Gazette* have expired, and the Local Government has considered the objections (if any) which have been submitted under this section, the Local Government may, by a notification in the *Calcutta Gazette*, exclude the local area from Calcutta or include it therein, as the case may be.

Effect of exclusion of local area from Calcutta.

459. When a local area is excluded from Calcutta under the last preceding section—

(*a*) this Act, and all rules, orders, directions and powers made, issued or conferred under this Act, shall cease to apply thereto; and

(*b*) the Local Government shall, after consulting the Commissioners, frame a scheme determining what portion of the balance of the General Fund and other property vested in the Commissioners shall vest in Her Majesty for the benefit of the local area, and in what manner the liability of the Commissioners shall be apportioned between the Commissioners and the Secretary of State for India in Council, and on the publication of the scheme in the *Calcutta Gazette*, the property and liabilities shall vest and be apportioned accordingly.

All property vested in Her Majesty under this section shall be applied, under the orders of the Local Government, to discharging the liabilities imposed on the Secretary of State for India in Council under this section, or for the promotion of the safety, health or convenience of the inhabitants of the local area.

Effect of including local area in Calcutta.

460. When a local area is included in Calcutta under section four hundred and fifty-eight, this Act, and except as the Local Government may otherwise by notification in the *Calcutta Gazette* direct, all rules, orders, directions and powers made, issued on conferred under this Act, and in force throughout Calcutta at the time the local area is so included, shall apply to the local area.

Budget estimate for 1889-90 to be made under provisions of Schedule XIII.

461. The provisions of Schedule XIII shall apply to the budget for the year 1889-90, and to the rates and taxes which shall be levied during that year; and the provisions of Bengal Act IV of 1876, so far as they are inconsistent

with the provisions of the said Schedule, shall be repealed so far as they relate to preparing and passing such budget, and to fixing the rates and taxes to be levied during the year 1889-90.

FIRST SCHEDULE.

(*See Section* 2.)

ACTS OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

Number and year.	Subject.	Extent of repeal.
Act IV of 1876	To consolidate and amend the law relating to the Municipal affairs of Calcutta.	The whole.
Act VI of 1881	To amend "The Calcutta Municipal Consolidation Act, 1876."	The whole.
Act I of 1882	To further amend the Calcutta Municipal Consolidation Act, 1876.	The whole.
Act III of 1884	To amend and consolidate the laws relating to Municipalities.	In the second schedule the words "Suburbs of Calcutta."
Act III of 1886	To amend Bengal Acts IV of 1876, and III of 1884.	So far as it amends Bengal Act IV of 1876.

SECOND SCHEDULE.

(*See Sections* 8 *and* 87.)

RULES FOR GRANTING LICENSES ON PROFESSIONS, TRADES, AND CALLINGS.

(1). Licenses shall be either personal or local, and shall be granted under seven classes.

A local license is a license, the classification of which depends on the valuation of the place of business, and also a license granted under Class IV, clauses (*d*) and (*e*), Class V, clause (*c*), and class CI, clause (*a*).

The seven Classes are as follows:—

Class I.—Rs. 200.

Every Joint-Stock Company, the paid-up capital of which amounts to ten lakhs of rupees or upwards.

Class II.—Rs. 100.

(*a*) Every other Joint-Stock Company.

(*b*) Every merchant, banker, wholesale trader, commission agent, architect, civil engineer, builder, contractor,

carrying company, owner or lessee of a cotton, jute, hide or other screw, market, bazar, theatre, place of public entertainment kept up for the purpose of profit, auctioneer, hotel-keeper, boarding-housekeeper, lodging-house keeper, manufacturer, retail trader or shop-keeper whose place of business is valued under Chapter V at Rs. 350 per mensem or upwards.

Class III.—Rs. 50.

(*a*) Every practising surgeon, physician, dentist, barrister, attorney, vakeel of the High Court, proctor, notary public, shroff, or banian.

(*b*) Every merchant, banker, wholesale trader, commission agent, architect, civil engineer, builder, contractor, carrying company, owner or lessee of a cotton, jute, hide or other screw, or of a market, bazar, theatre, not liable under Class II.

(*c*) Every auctioneer, hotel-keeper, boarding-house keeper, lodging-house keeper, shop-keeper, plumber, gas-fitter, manufacturer, or retail trader not liable under Class II, whose shop or place of business is valued under Chapter V at Rs. 100 a month or upwards.

Class IV.—Rs. 25.

(*a*) Every broker or dalall employed in the wholesale transfer or purchase of imports or exports, country produce, silk, or other merchandise, every person not coming under Class III who purchases goods in Calcutta for transport and sale beyond the limits of Calcutta.

(*b*) Every broker or dealer in precious stones, houses, landed property, Government securities, shares, and bills-of-exchange, and every freight broker.

(*c*) Every practising licentiate of medicine, apothecary, and veterinary surgeon.

(*d*) Every owner of a spirit or liquor shop or shop for the sale of intoxicating drugs, and punch-house, music

hall or billiard-room, wholesale tobacco, jute or other depôt.

(*e*) Every owner of a steam ferry-boat or cargo-boat.

(*f*) Every pawn-broker or money-lender.

(*g*) Every pleader, mookhtear, or law agent not liable under Class III.

(*h*) Every hotel-keeper, boarding-house keeper, lodging-house keeper, plumber, gas-fitter, carriage and horse-dealer, shop-keeper, manufacturer or trader, whose shop or place of business is valued under Chapter V at Rs. 25 or upwards.

Class V.—Rs. 12.

(*a*) Every broker or dallal not liable under Class IV.
(*b*) Every professional actor, singer or musician.
(*c*) Every keeper of a permanent stall at a daily public market or bazar, or of a shop within fifty yards of a public market, or bazar, selling goods of the same kind as any of the goods sold in such public market or bazar.

(*d*) Every poddar or money-changer.

(*e*) Every hakeem, koberaj, practising native doctor or midwife.

(*f*) Every order-supplier, cooly-supplier, shipping agent, or boat-supplier.

(*g*) Every hotel-keeper, boarding and lodging-house keeper, owner of a carriage, passenger boat or palanquin let out for hire, plumber, gas-fitter, bandsupplier, carrier, stamp vendor, carriage or horse-dealer, shop-keeper manufacturer or trader whose shop or place of business is valued under Chapter V at Rs. 10 or upwards.

Class VI.--Rs. 4.

(*a*) Every keeper of a shop or place of business not included in any other class.

(*b*) Every petty dalall not included in Class IV.

(c) Every pedlar, vendor of goods in carts, hawker, box-wallah, and every professional nurse not included in Class V.

Class VII.—Re. 1.

All itinerant dealers hawking goods for sale in baskets or trays.

(2). No person shall be required to take out more than one personal license, provided that if he is liable under different classes he shall take out a license under the highest class under which he is liable.

(3). When two or more persons carry on business jointly, they may take out a single license as a firm; but if any of the partners exercises any separate profession, trade or calling on his own account or with other partners he must take out a separate license.

(4). A separate local license shall be requisite for each separate place of business: Provided that no separate license shall be necessary for adjacent premises forming one place of business or for yards, godowns or factories auxiliary to a place of business, but in such cases the valuation of all the premises, yards or godowns shall be computed in determining the class under which the license must be taken out.

(5). When any person practises a profession, trade or calling for which a personal license should be taken out, and is also the owner or lessee of a place of business for which a local licenses should be taken out, he shall take out separate licenses, but one license will suffice if the place of business is auxiliary to his profession, trade or calling.

(6). When the owner or lessee of any place is liable to take out a license, the license should be taken out by the lessee, if there is any lessee; if not by the owner.

(7). The liability of any person to take out a license, and the class under which he is liable, shall be determined in the following manner:—

(*a*)—Any person who has taken out a license for the preceding year or been fined under section ninety for

not taking out a license during such year, shall be presumed to be liable and entitled to take out a license under the class in which he was then placed in the year for which the tax is being levied.

(*b*)—Any person who, in consequence of any change in his profession, trade, or calling, or place of business, or for any other reason, considers himself entitled to take out a license in a lower class than before, or to be altogether exempted, may present an application to that effect to the Commissioners at any time before the first day of July. If no application is made by that date he will be liable to take out a license as prescribed in clause (*a*).

The Commissioners shall pass orders on such application, and the license shall be taken out in accordance with such orders, unless appealed against under clause (*e*).

(*c*)—If the Commissioners consider that any person who has not taken out a license in the preceding year ought to take out a license, or that any person who has taken out a license for the preceding year, but has not taken out a license for the current year ought to take out a license in a higher class or more than one license, they may serve him with a notice directing him to take out a license for the current year in such class as may seem to them proper.

(*d*)—If the Commissioners consider that any person who has taken out a license for the current year ought to have taken out a license in a higher class, they may serve him with a notice directing him to take out a license in such higher class the following year, and such person shall thereupon, unless such order is modified, be bound to take out a license in such higher class, clause (*a*) nothwithstanding.

If a person is summoned for not taking out a license, and service of notice under clauses (*c*) and (*d*) is not proved, it shall be incumbent on the Commissioners to prove that the person

summoned is liable to take out a license as well as the class under which he is liable.

(*e*)—Any person dissatisfied with the orders of the Commissioners under clause (*b*) or on whom a notice is served under clause (*c*) or clause (*d*) may appeal against the orders contained in it—

(1)—To a Bench consisting of the Chairman or Vice-Chairman and not less than three Commissioners, or

(2)—To a Court of Small Causes having jurisdiction in the place in which the profession, trade, or calling is said to be carried on.

(8). In case of an appeal to a Court of Small Causes under this Schedule, the said Court may follow the procedure laid down in sections four hundred and twenty-four and four hundred and twenty-five.

(*f*)—Such person shall, within fifteen days of the passing of the order, or of the receipt of the notice, deliver at the office of the Commissioners an application in writing, stating the grounds of appeal, and also informing the Commissioners whether he intends to appeal under clause (1) or clause (2).

No appeal shall lie unless the amount of the license as assessed has been deposited with the Commissioners.

The Commissioners may, if they think fit, extend the period of an appeal under clause (1).

(*g*)—The order of the Bench or Court, or, if no appeal is made, the order contained in the notice, shall be final.

(9). The Commissioners may at any time grant a license for any previous year for which no license has been taken out on payment of the amount of such license, but the production of such license shall not afford a valid defence if the licensee is prosecuted for failing to take out a license within the time required by this Act.

THIRD SCHEDULE.

BOUNDARIES OF WARDS.

(*See Section* 15.)

Ward No. 1.—Bounded on the north and east by the Circular Canal; south by Grey Street and Ooltadanga Road; west by Upper Chitpore Road.

Ward No. 2.—Bounded on the north by the Mahratta Ditch; west by river Hooghly; south by Nimtollah Ghât Street; east by Upper Chitpore Road.

Ward No. 3.—Bounded on the north by Ooltadanga Main Road, the Mahratta Ditch, and Grey Street; south by Beadon Street and Manicktollah Road; west by Upper Chitpore Road; east by the Circular Canal.

Ward No. 4.—Bounded on the north by Beadon Street and Manicktollah Road; south by Machooa Bazar Road; east by the Circular Canal Narikhaldanga Road; and west by Cornwallis Street.

Ward No. 5.—Bounded on the north by Nimtollah Ghât Street; south by Cotton Street and Meerboher Ghât Street; east by Upper Chitpore Road; west by river Hooghly.

Ward No. 6.—Bounded on the north by Beadon Street; south by Machooa Bazar Road; east by Cornwallis Street; west by Upper Chitpore Road.

Ward No. 7.—Bounded on the north by Cotton Street and Meerboher Ghât Street; south by Loll Bazar Street; Dalhousie Square, North, and Fairlie Place; east by Lower Chitpore Road; west by river Hooghly.

Ward No. 8.—Bounded on the north by Machooa Bazar Road; south by Bow Bazar Street; east by College Street; west by Lower Chitpore Road.

Ward No. 9.—Bounded on the north by Machooa Bazar Road and Narikhaldanga Road; south by Bow Bazar Street and the Balliaghatta Road; east by the Circular Canal; west by College Street.

Ward No. 10.—Bounded on the north by Bow Bazar Street; south by Dhurrumtollah Street; east by Wellington Street; west by Bentinck Street.

Ward No. 11.—Bounded on the north by Bow Bazar Street; south by Dhurrumtollah Street; east by Lower Circular Road, west by Wellington Street.

Ward No. 12.—Bounded on the north by Loll Bazar Street, Dalhousie Square and Fairlie Place; south by Esplanade Row; east by Bentinck Street; west by river Hooghly.

Ward No. 13.—Bounded on the north by Dhurrumtollah Street; south by Kyd Street, Free School Street, and south Culinga Street; east by Wellesley Street; west by Chowringhee Road.

Ward No. 14.—Bounded on the north by Dhurrumtollah Street; south by South Culinga Street; east by Lower Circular Road; west by Wellesley Street.

Ward No. 15.—Bounded on the north by South Culinga Street; south by Theatre Road; east by Lower Circular Road; west by Wellesley Street and Wood Street.

Ward No. 16.—Bounded on the north by Kyd Street and South Culinga Street; south by Theatre Road; east by Wellesley Street and Wood Street; west by Chowringhee Road.

Ward No. 17.—Bounded on the north by Theatre Road; south by Lower Circular Road; east by Lower Circular Road; west by Chowringhee Road.

Ward No. 18.—Bounded on the north by Clyde Road; south by Tolly's Nullah Road; east by Kidderpore Bridge Road; and west by Strand Road.

Ward No. 19.—Bounded on the north by the Baliaghatta and the New canal; south by Gobrah Road, Christopher's Lane, Puddopookur Road, Phulbagan Road, Nawab Bagan Road, and Police Hospital Road; east by the Pagladanga Road, Chingrahatta Road, Tangra Road, and Topsea Road; west by Circular Road.

Ward No. 20.—Bounded on the north by Ward No. 19; south by Kumal Road, Sapir Jemadar's Lane, Mohir Mohsin's Lane,

Karriah Bagan, Tiljullah Road, and Topsea Road; east by Topsea Road; west by Lower Circular Road.

Ward No. 21.—Bounded on the north by Ward No. 20; south by the new embankment from the Eastern Bengal Railway to Tolly's Nullah; east by the South-Eastern Bengal Railway; west by Lower Circular Road, Chuckerbarree Road, Moley Bustee Road, Gurreah Road, Russapuglah Road, Tollygunge Bridge and Road, and Tolly's Nullah.

Ward No. 22.—Bounded on the north by Lower Circular Road, and the road leading from it to the Jeerat bridge; south by Ward No. 21; east by Ward No. 21; west by Tolly's Nullah.

Ward No. 23.—Bounded on the north by Tolly's Nullah; south by the Goragachee Road; east by Tolly's Nullah; west by Diamond Harbour Road.

Ward No. 24.—Bounded on the north by Komedan Bagan Lane and Circular Garden Reach Road; south by Goragachee Road; east by Diamond Harbour Road; west by some 3rd Lane and some 4th Lane.

Ward No. 25.—Bounded on the north by the river Hooghly; south by Ward No. 24; east by Tolly's Nullah and Diamond Harbour Road; and west by the Goragachee Road.

FOURTH SCHEDULE.

(*See Section* 77.)

TAX ON CARRIAGES AND ANIMALS.

	Per half-year. Rs.	A.	P.
For a four-wheeled carriage drawn by two horses	12	0	0
If any person owns more than one such carriage than for every such carriage after the first, two-thirds of the above rate.			
For a four-wheeled carriage drawn by one horse, or pony or mule, or a pair of ponies or mules under thirteen hands ...	6	0	0

	Per half-year.		
	Rs.	A.	P.
For a two-wheeled carriage drawn by one or more animals	6	0	0
For every horse (*not a race horse*), pony or mule	6	0	0
For every race horse	12	0	0
For every pony or mule under thirteen hands	2	0	0

FIFTH SCHEDULE.

(*See Section* 142.)

NOTICE OF DEMAND.

TAKE notice that the Commissioners of Calcutta demand from you the sum of due from* [you] as owner (*or occupier*) (*here describe the property of thing upon which the rate or tax is imposed*) for the month of 18 ; and that if the sum due, together with for this notice, is not paid into the office of the said Commissioners at or if sufficient cause for the non-payment of the sum is not shown to the Commissioners within seven days from the service of this notice, a warrant of distress will be issued for the recovery of the same with costs.

(*Signature of the Chairman, Vice-Chairman, Secretary, or Assessor.*)

L. S.

Date

* In the case of a demand on the occupier of a house under section one hundred and forty-six, state that notice of demand has been served upon the owner, and that the sum due remains unpaid.

SIXTH SCHEDULE.

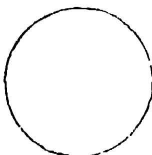
(See Section 142.)

DISTRESS WARRANT.

To (here insert the name of the officer charged with the execution of the warrant.)

WHEREAS of has not paid or shown sufficient cause for the non-payment of the sum of rupees due for the rates (*or taxes*) (*or taxes and rates*) mentioned in the margin for the months of 18 ; although the said sum has been duly demanded in writing from the said and seven days have elapsed since the service of the notice of demand: This is to command you to distrain the moveable property of the said *for as the case may be any moveable property found on the premises referred to*) to the amount of the said sum of rupees, and such further sum as may be sufficient to defray the charges of taking, keeping, and selling such distress; and if within seven days next after such distress the said sum shall not be paid, together with such further sum as may be sufficient to defray the charges of taking and keeping such distress, to sell the said moveable property; and having paid and deducted out of the proceeds of the sale the said sum of rupees and the charges of taking, keeping, and selling such distress, to return the surplus, if any, on demand, to the person whom you shall find in possession of the said moveable property. If sufficient distress cannot be found of the moveable property of the said , you are to certify the same to us together with this warrant.

(Signature of the Chairman,
Vice-Chairman or Secretary).



SEVENTH SCHEDULE.

(See Section 143.)

FORM OF INVENTORY AND NOTICE.

(*State particulars of goods seized.*)

TAKE notice that I have this day seized the moveable property specified in the above Inventory for the sum of rupees due for the rates (*or taxes*) mentioned in the margin for the months of 18 : and that, unless you pay into the Office of the Commissioners of Calcutta the amount due, together with the costs of this distress, within seven days from the day of the date of this notice, the said property will be sold.

(*Signature of the Officer executing the Warrant of Distress.*)

Date-

EIGHTH SCHEDULE.

TABLE OF FEES PAYABLE IN DISTRAINTS.

(*See Section* 144)

Sum distrained for.	Fee. Rs.	Fee. As.
Under 5 Rupees	0	4
5 and under 10 Rupees	0	8
10 „ 15 „	1	0
15 „ 20 „	1	8
20 „ 30 „	2	0
30 „ 40 „	3	0
40 „ 50 „	4	0
50 „ 60 „	5	0
60 „ 70 „	6	0
70 „ 80 „	7	0
80 „ 90 „	8	0
90 „ 100 „	9	0
Above 100	10	0

The above charge includes all expenses except when peons are kept in charge of property distrained, in which case four annas must be paid daily for each man.

NINTH SCHEDULE.

SCALE OF FERRULES IN HOUSES.

(*See Section* 158.)

If the valuation of the house be—

			The size of the Ferrule shall be—
From	1 to 59	... ...	$\frac{1}{8}$ inch.
,,	60 to 119	... ...	$\frac{3}{16}$,,
,,	120 to 599	... ...	$\frac{1}{4}$,,
,,	600 to 1,199	... ...	$\frac{3}{8}$,,
,,	1,200 to 2,390	... ...	$\frac{7}{16}$,,
,,	2,400 to 3,599	... ...	$\frac{1}{2}$,,
Above 3,600			$\frac{3}{4}$,, $\frac{7}{8}$,, 1 ,,

or such other scale as the Local Government may, on the recommendation of the Commssioners in meeting, prescribe.

TENTH SCHEDULE.

REGISTRATION OF BIRTHS.

(*See Sections* 183 *and* 184.)

18 BIRTHS IN THE DISTRICT OF .

Number.	When born.	Nationality or caste.	Name, if any.	Sex.	Name of father.	Profession of father.	Signature description, and residence of informant.	When registered.	Signaure of Registrar.

ELEVENTH SCHEDULE.

REGISTRATION OF DEATHS.

(*See Sections* 183, 184, 186, 187, *and* 190.)

18 DEATHS IN THE DISTRICT OF

Number.	When died.	Nationality or caste.	Name.	Sex.	Age.	Profession.	Cause of death.	Residence at time of death.	Residence previous to last illness.	Signature, description, and residence of informant.	When registered.	Signature of Registrar.

TWELFTH SCHEDULE.

(*See Section* 405.)

FORM OF DEBENTURE.

The Commissioners for Calcutta.

No. *Calcutta, the* 18 .

By virtue of the Calcutta Municipal Consolidation Act, 1888, we, the Commissioners of Calcutta incorporated under the said Act, in consideration of the sum of rupees paid to us by A. B. of , promise to pay to the said or order the said sum of rupees

after the date hereof, together with interest thereon at the rate of per centum per annum, payable half-yearly on the day of and the day of and by way of security for such payment we do hereby assign to the said [A. B.] so much of the proceeds of the rates and taxes payable to the Commissioners by virtue of the Act aforesaid as shall suffice to satisfy the claim of the said [A. B.] in respect of the principal sum together with the interest thereon.

(*Signature of the Chairman, or Vice-Chairman, and two Commissioners*)

THIRTEENTH SCHEDULE.

(*See Section* 461.)

TRANSITORY PROVISIONS.

Budget of expenditure for 1889-90.

1. The budget for 1889-90 shall show what expenditure it is proposed to incur in the Town, as well as in the area added to the Town by this Act during that year; and the manner in which it is proposed to meet such expenditure.

Budget estimate for 1889-90 referred to Special Committee.

2. Such budget shall, at a special general meeting of the Commissioners of the Town of Calcutta to be held in the month of February, 1889, be referred to a Special Committee of eighteen members, of which twelve shall be chosen by the Commissioners of the Town of Calcutta at the special general meeting which shall order the reference, and six shall be chosen by the Commissioners of the Suburbs of Calcutta.

Return of budget estimate for 1889-90 to Commissioners.

3. Such Committee shall meet at such times and places as the Chairman, subject to the decision of the Committee, may appoint; and shall, within twenty-one days of its appointment, return the budget to the Commissioners of the Town of Calcutta with such modifications and comments as may seem expedient.

4. The Commissioners of the Town of Calcutta shall, at a special general meeting to be held in the month of March, consider such budget as modified by the Special Committee, and pass it, subject to such further modifications or additions as may be thought fit. The said Commissioners shall thereupon, at the same meeting, or if such meeting be adjourned, at an adjourned meeting, fix with reference to the budget as passed, the rates at which the rates and taxes mentioned in this Act shall be imposed for the year commencing the 1st April, 1889; and the rates and taxes so fixed shall have the same force in Calcutta for the year 1889-90 as if they had been fixed by the Commissioners in meeting for any subsequent year under section seventy-one of this Act.

Passing of budget for 1889-90, and fixing of rates.

W. LeB. and others—Reg. No. 9475J—2,500—6-10-88.

ACT No. III of 1888.

Passed by the Lieutenant-Governor of Bengal in Council.

(Received the assent of the Lieutenant-Governor on the 16*th May,* 1888, *and of the Governor-General on the* 20*th September,* 1888.)

An Act to amend the Howrah Bridge Act IX of 1871.

Preamble.

Whereas it is expedient to empower the Lieutenant-Governor of Bengal to remit the payment of the tolls, fees and charges levied under the provisions of the Howrah Bridge Act of 1871 upon all passengers, animals, vehicles, and goods using or conveyed upon the said Bridge, and to re-impose the payment of the fees on any goods or any passengers which may have been exempted from such payment under section four of the said Act: It is hereby enacted as follows:—

Short title.

1. This Act may be called the "Howrah Bridge Act Amendment Act, 1888."

Construction and commencement of Act.

2. It shall be read with, and taken as part of, Bengal Act IX of 1871; and it shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

3. For the proviso to section 3, the following proviso shall be substituted:—

"Provided always that such tolls, fees and charges shall not exceed the respective rates mentioned in the said schedule, and that it shall be lawful for the Lieutenant-Governor from time to time to exempt all or any passengers, animals, vehicles and goods using or conveyed on the said Bridge from payment of the tolls, fees and charges prescribed in the said schedule."

4. After the proviso to section 4, the following proviso shall be added:—

Power to re-impose payment of the fees exempted under this section.

"Provided also that the said Lieutenant-Governor may, from time to time, re-impose the payment of the fees on any goods or any passengers which may have been exempted from such payment under this section."

Price six pies.

Reg. No. 9584G—1,000—6-10-88.